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ERRATUM.

At page 315, vol. v., line 4, for "Both of them ended," &c., read—"Both of them ended with the three collects. The confession and absolution were not likely to excite opposition."

REV. JAMES MACGREGOR, D.D.

MODERATOR OF GENERAL ASSEMBLY 1891

From a Photo by J. Moffat

THE

CHURCH OF SCOTLAND,

PAST AND PRESENT:

ITS HISTORY, ITS RELATION TO THE LAW AND THE STATE,

ITS DOCTRINE, RITUAL, DISCIPLINE, AND PATRIMONY.

EDITED BY

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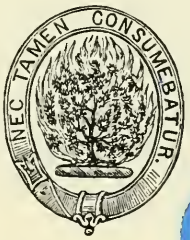
AND ONE OF HER MAJESTY'S CHAPLAINS.



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SCOTLAND

Shewing the Synods of the Church of Scotland

THE RITUAL OF THE CHURCH.

BY

REV. THOMAS LEISHMAN, D.D.,
MINISTER OF LINTON.

THE DISCIPLINE OF THE CHURCH.

BY

REV. ANDREW EDGAR, D.D.,
LATE MINISTER OF MAUCHLINE.

TEINDS OR TITHES AND CHURCH PROPERTY IN SCOTLAND.

BY

NENION ELLIOT, ESQ., S.S.C.,
CLERK TO THE COURT OF TEINDS.

THE RITUAL

OF

THE CHURCH OF SCOTLAND.

BY

Rev. THOMAS LEISHMAN, D.D.

THE RITUAL

OF

THE CHURCH OF SCOTLAND.

It may be thought that when the history of a nation's religion has to be written, the lightest part of the task is to describe its worship. Religious rites are visible to every eye, and connect themselves with the chief events of every life. It seems as if it ought to be very easy to collect and record this class of facts. The earliest history of Scotland, however, is almost a blank. As we approach the era of the Reformation we know what the worship of our fathers was, because it was regulated by a standard which, when rejected here, was preserved in other lands. For two generations after the Reformation our sources of information are more limited. The Church records of the period were destroyed in our own day at the very moment when they were brought to light, like the Scottish Regalia, after having disappeared for more than a century. Large extracts had, indeed, been taken from them, but probably two-thirds of the transactions of our Assemblies from 1560 to 1616 were lost for ever at the burning of the Houses of Parliament. The records of lower courts do not supply their place. Many of them have perished by carelessness or decay, and such as remain are little known except to local investigators. From general history we learn less than might have been expected. What every one knows no one records, unless it becomes matter for controversy, and the Church's earliest controversies were more about the rights of the Church than the worship of the people. When that was the subject of strife we hear more of the demerits of threatened innovations than of the customs that were in possession. Besides, the amount of historical material is even less than we seem to have. The annalists of the time, like the old

minstrels, saw no reason for varying the tales of their predecessors. We constantly find the same incidents, the same jests, the same stretches of narrative coming from different pens. Scanty as our information is, this is clear, that no generation transmitted its heritage of usage to its successor unimpaired. So long as men saw most of the details unchanged with which they had been familiar from childhood, they were not concerned if a few old forms were dying out and a few novelties coming in. It was only when the rate of movement was accelerated by royal or popular pressure that they noticed how they were leaving the ways of their fathers behind them. We shall understand this better when we observe how recent is the origin of many observances which people but lately have been passionately defending as precious memorials of reformers and martyrs.

We know nothing of the forms under which our ancestors worshipped in the first Christian ages. Here, as in England, there was a Christianity contemporaneous with the Roman occupation. But even less here than in England are there traces of its history. We may, however, safely assume that the ritual of the next era was not that of Rome. She had not begun to exact that rigid uniformity on which she has insisted in later times. When Augustine of Canterbury consulted Gregory the Great as to the future worship of the province which he hoped to reconquer for Christ, he got for answer, that whatever rites in the Roman, the Gallican, or any other church he thought likely to be more pleasing to God, he should carefully combine and appoint to be for the special use of the Angles. But not even a ritual constructed on this eclectic principle could conciliate them. They fixed the date of Easter not by the Roman calculation, but by the old Nicæan rule, which had come to them from the East through some channel which cannot now be exactly traced. They had baptismal rites of their own. Their religious music differed from that of the strangers, who probably wished to introduce the new Italian mode, which still bears St. Gregory's name. Their tonsure was cut after a different fashion. All the indigenous churches of the British islands seem to have been at one in maintaining against Rome such national distinctions as these. Southern England soon gave way. In time the northern part

of the Heptarchy followed the example. But in Ireland and in Scotland the mastery of Rome was not secured till the Norman Conquest had brought all three nations into closer relations with the Latin races. We know almost nothing of the worship of the Scots during this long interval. There is nothing to prove that they were keeping up with the Roman development of doctrine, and they are not likely to have followed the elaboration of ritual which accompanied it. The date of that interesting relic, the "Book of Deer," falls within this period, but the liturgical fragments appended to it are of a later date. We hear of advances made to Rome by Macbeth, of nearer approaches in the reigns of Canmore and his sons under the influence of an English wife and mother, till, long before the wars of Independence, the Italian supremacy was secured. What little is known of the Scottish Church at the time of the change comes through those whose sympathy was with the new state of things. They have to tell of irregular marriages, neglect of the Lord's Day, disuse of the Communion, and what seems to be considered of hardly less importance, a misplacing of the first day of Lent. It is likely that after centuries of isolation and barbarism, weightier matters than the calendar needed amendment. The Culdee settlements, once centres of light to a people sitting in darkness, had become secularized, and their inertness contrasted unfavourably with the fresh zeal of those who came to supersede them. With new institutions and doctrines new usages of worship were introduced. Still there was considerable toleration of provincial peculiarities, and everything distinctive of the English or Roman system was not at once enforced. Scottish patriots of a later day reckoned among the wrongs done to their country by Edward I. that when he came to Scone to carry off the Stone of Destiny, he collected and destroyed all the Scottish service-books, and forced the nation to accept the use of Sarum instead. It seems, however, to have been adopted in some dioceses at an earlier date, probably to protest against the claim of primacy over Scotland made by the archbishops of York. No doubt Canterbury had advanced the same claim, but that of York had been more recent and more persistent, and there was a defiance of it in adopting the service which was of primary authority in the province of her remoter rival.

The Pontifical of Bernham, bishop of St. Andrews, in the thirteenth century, has been lately published, and might lead to the conclusion that the consecration of churches was then a novelty in Scotland. It certainly was in use elsewhere. There are allusions to it as early as the time of Constantine. We cannot doubt that it was general throughout our island in the eighth century, for it is alluded to in an ordinance of the Archbishop of York, full of the jealousy with which southern prelates—proud of their connection with Rome—looked on the Celtic churches:—"They who have been ordained by bishops of the Scots or Britons, who do not wear the tonsure as other presbyter-ecclesiastics do, nor observe Easter as we observe it, ought to be confirmed by an orthodox bishop, with laying on of hands and prayer: in like manner churches consecrated by these bishops ought to be sprinkled with holy water."[1] But the custom had at least fallen into disuse, for the Pontifical records the consecration by Bernham of more than half of the churches under his rule, and the dates do not cover the whole term of his episcopate. One of the churches consecrated was Kelso, which had been founded more than a century before. There is a trace of the use of provincial service-books in a list made in 1436 of books belonging to Aberdeen Cathedral. It contains three Pontificals, but one is distinguished from the others as being "de usu Curiæ Romanæ."[2] Later still in date is the Aberdeen Breviary, drawn up by Bishop Elphinstone, and printed by Chapman in the beginning of the sixteenth century. It and the earlier Arbuthnott Missal are made interesting, not so much by liturgical variations, as by references to ancient Scottish saints. Apparently the Breviary was one of a series of service-books which was issued about that time as an assertion of ecclesiastical independence. An Act of Council, in 1507, provided that no books of Sarum should be allowed but mass books, manuals, matin books, and breviaries "after our own Scottish use." Now that the organ has been reintroduced, many would wish to know the date of its earliest use in Scotland. Tytler, the historian, founding on allusions in Fordoun, carries it back to the time of Alexander III. Calderwood and the older Tytler say that it was introduced by James I.

[1] Robertson's "Concilia," ii. 276. [2] Registrum Episc. Aberd. ii. 137.

By the time that the Scottish worship, through a process of gradual assimilation, had become practically the same as that of all western Europe, there were signs of an approaching change. The very unity, so carefully built up, made the Scots more ready to respond to the call for reformation which rose simultaneously from many Christian lands. Presently they saw England suppressing monasteries and defying the Holy See. English translations of Scripture found their way across the Border. So early as 1543 the use of them was allowed by the Regent Arran, who at that time favoured the new opinions, and though after a while he changed sides, he could not recall the results of his sanction. But the origin and progress of the Reformation are not indicated by the acts of sovereigns and councils. The enactments which make 1560 the accepted date of the change were only the official recognition of what had been going on for more than twenty years. In Scotland, as in England, men adhered to the ritual of Rome longer than to her doctrine. We do hear of Knox's dispensing the Lord's Supper after the Reformed fashion at St. Andrews, in 1547, but this was an exceptional instance. When he paid a short visit to Scotland eight years after, he found that the custom among the Reformed was to attend mass and the other ordinances of the Church, while they met at other times and places to listen to itinerant orators pleading for the new opinions. The inconsistency of this did not readily occur to men who had all their lives been accustomed to see the common ordinances of religion divorced from preaching. Besides, they knew that many of the clergy, while still conforming to the existing order of things, were doctrinally in full sympathy with them. Knox left a strong protest against this system behind him when he returned to the Continent. After his departure meetings for prayer and Scripture-reading became very frequent. But nearly two years more passed before any attempt was made to establish uniformity of worship on a Reformed basis. At the end of 1557 the Lords of the Congregation, as they were afterwards called, met at Edinburgh, entered into a solemn bond by which they separated themselves from the Roman communion, and issued the following ordinance:—

"First, it is thought expedient, advised, and ordained, that in

all parishes of this realm the Common Prayers be read weekly on Sunday, and other festival days, publicly in the parish churches, with the Lessons of the Old and New Testament, conform to the order of the Book of Common Prayers; and if the curates of the parishes be qualified, to cause them to read the same. And if they be not, or if they refuse, that the most qualified in the parish use and read the same. Secondly, it is thought necessary that doctrine, preaching, and interpretation of Scriptures be had and used privately in quiet houses, without great conventions of the people thereto, while [till] afterward that God move the Prince to grant public preaching by faithful and true ministers."

It may seem strange that the ability of some of the clergy to read an unfamiliar English book should be in question. No other meaning can be put on one of the petitions transmitted to the Ecclesiastical Council of 1559, that no clergy should be appointed to kirks in future but such as "can distinctly and plainly read the Catechism, and other directions that shall be directed unto them by their Ordinaries, unto the people." It may seem strange also that a section of the barons of Scotland should in terms so authoritative prescribe a form of worship to the whole nation. The last words of the ordinance show that they hoped to have their resolution confirmed by the Crown. A petition to this effect was presented by them to the Queen-Regent, and courteously received. But fully to understand their action, we must remember how strong the power of feudalism still was in Scotland, and how weak the central authority. The vassals of one of the great lords were ready to think as he thought on the great question which was dividing the nation, as they were ready to follow his standard in war. The curates or incumbents within his territory would be men of exceptional firmness to refuse to read the Missal, if he took one side, or the Book of Common Prayer, if he took the other. The Regent was little disposed, and the prelates had little power, to take extreme measures against those who obeyed the command. It is not known that more than one man suffered death as a heretic for ten years before the Parliamentary Reformation. Now that the barons had given the signal, the towns—those at least which lay nearest to the Continent—were ready to take possession of their churches for the Reformed worship. To some extent Edin-

burgh and Dundee had anticipated the decision. How far it was acted on throughout the country is a question which cannot be answered with precision; but it is certain that the new worship was soon heard in many parishes, not seldom from the lips of the old rector or vicar. For want of trained preachers there was as yet little public preaching, but the meetings for the study of Scripture enjoined in the second part of the ordinance continued and increased. In 1559 proceedings, which led to nothing, were taken against several of the leading reformers for celebrating Easter Communion at different churches in Angus. In the same year the Common Prayer was regularly read in the Abbey Church of Holyrood, and there were public prayers, sermons, and communion in St. Giles' itself. Thus years before the Reformation the churches and clergy were divided in an unknown proportion between the old system and the new. It was an anticipation of what was repeated at intervals in after-times, sometimes in defiance of authority, sometimes with its concurrence, as when churches and benefices were held by the Protesters in the time of the Commonwealth, by indulged Presbyterians under the second Episcopacy, by conforming or intruding Episcopalians under the Revolution settlement, and by the fathers of the Secession for eight years after their separation.

It is no longer a question what the Book of Common Prayer was which was used in this period of transition. It was the early form of the English Liturgy, known as the Second Book of Edward VI. It had been published in 1552 as a modification of the First Book of 1549, which retained more of the usages and doctrine of the ante-Reformation worship. The Second Book has undergone various revisions since, and received some additions, but it was essentially the same as the present Prayer-book. Eighty years afterwards the preface to the Scottish Liturgy of Charles I., quoting the ordinance of the Reforming Lords as to the Common Prayer, adds, "meaning that of England, for it is known that divers years after we had no other order for Common Prayer." There were many who would not receive evidence coming from such a source. For long they held that it was not the Anglican service, but an early form of the Book of Geneva or Common Order, adopted by the Church of Scotland at a later date. A letter has come to light in this century which was written by

Sir William Kirkcaldy in July, 1559, and it settles the matter: "As to parish churches . . . they command that no masses be said in them; in place thereof the Book set forth by godly King Edward is used in the same churches." A letter from Cecil has also been found, written a few days later, to the same effect: "They have received the service of the Church of England according to King Edward's Book." There was at one time some controversy over a passage in Buchanan's History bearing on the question. He said that at the time of the Leith treaty the Scots accepted the English worship; "Religionis cultui et ritibus cum Anglia communibus, subscripserunt." Wodrow owns that this passage "did vex him a little" till he saw Anderson's explanation of it, which was that the Reformed religion was adopted in Scotland as it had already been in England. One great argument against the literal rendering of the words was the want of confirmatory evidence. It can hardly be questioned that this has now been found.

It is easy to understand why the barons, when they wished to consolidate their party by a common worship, adopted the Book of Edward. In his time Scotland was still in communion with Rome. Many Scotsmen who had imbibed the new opinions betook themselves to England, which had separated from Rome, and served in the ministry of the National Church. But since the enforced reaction under Philip and Mary, it was no longer a refuge for them. Knox and others went abroad. Some, however, returned to their native country, where there was no such persecution as that under which England was groaning. They were now among the most prominent of the Reformed preachers, and in close relations with the lay leaders of the movement, themselves in frequent correspondence with friends in England. Nothing would seem more natural to these Anglo-Scottish ministers than to use and to recommend to the barons the book which they knew so well, and which was as yet the only one in the English tongue that could be easily procured.

How many of the various offices in the Liturgy came into general use is a question of interest, but one which at this distance of time we cannot hope to see solved. The only parts of such a book that could be in constant use are the Morning and Evening Services, and they alone could be read by the lay sub-

stitutes who took the place of unwilling or incompetent curates. There was nothing in them to provoke controversy. Opposition to set forms as such was as yet unknown in Scotland. These services were very short, much shorter than at present. Both of them ended with the three collects, ~~and in the Evening Service all was wanting that now precedes the Lord's Prayer~~. The confession and absolution in the morning were not likely to excite opposition. There had been no such forms in the First Book of Edward, nor in the pre-Reformation services, and they had been added to gratify the early Puritans. A simpler form for public worship, or one giving a fuller prominence to Scripture, could hardly be devised. No doubt it would be often used daily, as the structure of the book suggested and the usages of the time required. If the rubric was followed when it was used as the ordinance of the Lords required, "on Sundays and other festival days," morning prayer would be followed by the Litany; indeed, without this, there would be a deficiency in the element of devotion. The Litany would be the more acceptable on account of the prayer for deliverance "from the tyranny of the Bishop of Rome and all his detestable enormities," which is not to be found there now.

Whether and how far the sacramental and other occasional offices came into use we have no means of determining. They could be used only where the incumbents themselves conformed to the ordinance. If there was any feeling against these parts of the book it was more likely to be excited by the ceremonies than by the doctrines. There had been in England since King Edward's time a growing dislike to such accompaniments of the services as the cross in baptism, the kneeling at communion, the surplice, and the wedding-ring. It was as likely to be found in Scotland, which afterwards went beyond England in abhorrence of these things. But whatever may be thought now as to the theology of the baptismal service, it was in general harmony with the old Scottish Confession and Calvin's Catechism, both of which the nation accepted soon afterwards and clung to for nearly a hundred years. The office for Communion was more distinctly Protestant than that which is now in the English Liturgy. There was no commemoration of the faithful departed in the prayer for the church militant.

The first sentence in each of the present forms for giving the elements to communicants was wanting. But it is likely that the occasions were few on which the fitness of the Communion office was in question. Hitherto the people had known the Lord's Supper under two aspects. As a sacrifice to be contemplated and adored, it had been the central act of public worship; as a communion to be received by the congregation at large, it was a privilege partaken of at long and irregular intervals. The Mass was now being discontinued. We may suppose that the Holy Supper was in this transition period too readily dispensed with, as it had often been before, as it constantly was, and for longer periods, after the Reformation was settled and complete. The Ordinance had spoken of the rarity of public preaching. There seems reason to believe that to supply this want the English Book of Homilies was sometimes used along with the English Prayer-book. Early in 1560 we find the vicar of Lintrathen pleading, in a case about his tithe, that "he has been in possession these divers years byegone, and has caused the Common Prayers and Homilies be read weekly to the parishioners of the said parochin."[1] Nor was this a solitary case, or one peculiar to the provisional state of things then existing. In the license granted to Lekprevik, the King's printer, so late as 1567, he is protected against the importation of certain books, one of which is "the book called the *Omeleyis* for readers in Kirks." The list is not an *index expurgatorius*, for it includes such books of general use as the Psalms of David and the Catechisms, the Acts of Parliament, and "a general grammar to be used within schools of this realm." The object is to protect his monopoly in printing these books. The privilege, with the Homilies again included, was renewed in 1570.[2]

It seems clear, then, that for years before the Reformation was established the English service was extensively used, and was the only one having anything like authoritative sanction. But from the circumstances of the time we may surmise that as it was not adopted in all places, so it was not invariably adopted in all its parts. Sometimes it would be used as a manual for daily devotion, public or private, sometimes for ordinary Sunday

[1] Miscellany, Spalding Club, ii. xxv.

[2] Principal Lee's "Memorial for the Bible Society," 27, &c.

worship, sometimes in its entirety for all the offices of religion. It is possible that there were places where the old worship and the new were heard in the same church and from the same ministrant. Not long before, in King Edward's time, this had been done in England, when the Latin Mass, celebrated in the ancient fashion, was followed by a vernacular service for giving the Communion to the laity. In 1559 the Queen-Regent of Scotland wished that Mass and Common-prayers might be used in St. Giles' one after the other, though the proposal was rejected. One of the requests made to the Provincial Council of that year by those who desired reform without separation from Rome, was in language almost identical with the ordinance of the barons. They asked "that the Common-prayer, with litanies in our vulgar tongue, may be said in every Parish Kirk upon Sundays and other holy days after the divine service of the Mass, and that the evening prayers may be said after noon in like wise." Those who desired this would be ready to put their proposal in practice where they had power to do so. Then we read of lay persons who went to the other extreme, and took on themselves to administer sacraments in private and even in public. Winzet, the Roman controversialist, taunts the Reformers with it in one of his tracts, and his evidence is confirmed by the First Book of Discipline, which declares that the offenders were worthy of death for "falsifying the seals of Christ Jesus." Sometimes when the property of the Church had been secularized by corrupt compacts or direct spoliation, the house of God was closed and all worship ceased. On both sides there was the fervour of devotion, the spirit of compromise, and the thirst for plunder, making almost any combination of results a possibility.

The adherents of Rome made some attempts to avert the impending revolution, but they were directed more to the amendment of clerical morals and a better administration of the Church's affairs, than to the purification of her worship. Her system was not at this point elastic enough to accommodate itself to unexpected pressure. There were several meetings of the Provincial Council, a convocation or General Assembly of the Scottish clergy, which had been accustomed to meet at irregular intervals for centuries. From them came in 1552 the vernacular Catechism, known as Archbishop Hamilton's, to be used on Sundays

for the confusion of heretics. At their latest meeting, in 1559, they issued a short address to be read when the Communion was administered. Both are interesting, as remains of the Scottish tongue when it was the language of a court and literature. But they were too late to be of any polemical value. From the same source came repeated injunctions to bishop and priest alike, to preach if they could, or to train themselves for the duty if they had neglected it. It was less humiliating to do so, because certain decrees on the subject, issued by the Council of Trent, then sitting, had to be enforced. Regulations were made assigning livings for the support of itinerating preachers, and fixing the number of sermons which were to be delivered in each church throughout the year. But they did not reach the modest minimum asked by the same petitioners, who wished also an English service after Mass—a weekly sermon in every church, or at the least on Yule, Pasche, Whitsunday, and every third or fourth Sunday. In truth it was as difficult to find hearers as preachers. One of these councils lamented that of late years few even in the most populous parishes came to Mass on Sundays and high festivals, or deigned to be present at the preaching of the word of God. And it also frankly recorded its conviction that "the inferior clergy of this realm, and the greater part of the prelates, were not yet so advanced in their acquirements in sacred learning as to instruct the people rightly in the Catholic faith and other things necessary to salvation, or by their own zeal to reclaim the erring."[1] Preaching had come to be looked on as a function apart from the routine duties of the secular clergy. It was left almost entirely to friars, who made it their peculiar work. Many of the men whose earnest appeals were carrying the new doctrines to the hearts of the people came from their trained ranks. Humbler controversialists were everywhere reading and discussing the Scriptures. The champions of Rome fought as best they could with their unfamiliar arms. But the contest did not last long. The fabric which they defended sank in ruin as soon as the French army left Leith for their native country. In a few weeks more the Mass was proscribed, and the Confession of Knox and his brethren owned as the national creed.

[1] Robertson's "Concilia," ii. 136.

It would be a mistake to suppose that the severe laws passed in Edinburgh caused the Roman worship to cease throughout Scotland. As the Book of Edward had been used within the old Establishment, so the forbidden rites were continued under the Establishment reformed. Under the protection of feudal magnates, the old order refused to give place to the new over large territories in the far north and in the south. All over the country there were places where, when opportunity offered, priests officiated openly and none ventured to disturb them. A confession in the Common Order, added years after the Reformation, goes so far as to say, "The whole body of this miserable realm still continueth in their former impiety. For the most part, alas! following the footsteps of the blind and obstinate Princess, utterly despise the light of Thy Gospel, and delight in ignorance and idolatry." Bishop Grindal tells of certain Puritans who, coming to Scotland in 1568 as to a land of greater light, were horrified to see on Good Friday people going barefoot to Dunbar church, to "creep to the cross," one of the distinctive ceremonies of the day.[1] The terms of the Record of Assembly, in 1570, are not without significance when it speaks of "persons in a *reformed* parish or city, where order and discipline is observed." So late as 1585 and 1595 masses were said in Lincluden Abbey and Elgin Cathedral. At that time eight or nine counties were still in the main Roman Catholic, and of the peers of Scotland, excluding minors, thirteen were Romanists, as against twenty-six Protestants, besides seven who were doubtful.[2] Even among those who accepted the new creed and worship, conformity was not always sincere. There are indications of this in the dealings of the Assembly with the first generation of ministers and readers. Thus certain ministers are referred to who encouraged pilgrimages to the old holy wells, and gave the Communion to their people for seven or eight years, without ever receiving it themselves.[3] It is reported that a certain Sir Walter Robeson, evidently an old priest, though now a reader, "passed with a dead corpse to the kirk, having the supercloth (surplice) upon him in Popish manner."[4] An allusion in an Aberdeen record, shows that a Reformed reader, when he took office,

[1] "Remains," 295. [2] Tytler, ix. 39, 376. [3] "Book of the Universal Kirk," 638. [4] Ibid., 287.

went to the deprived bishop to take collation to the vicarage belonging to it.[1]

But let us return to the events of the year of Reformation. The signal for the change had been the Treaty of Leith. Sir James Balfour says in his Annals that in this treaty "they did not meddle with religion for divers respects: but the chief was that as yet the Scots were not resolved whether to embrace the Reformation of England or that of Geneva." There had been no delay in issuing a Confession, but it was one which at that time would have been accepted in either place. Standards of policy and of worship were yet to come. Their Book of Policy, known as the Book of Discipline, was given to the world at the beginning of 1561, though there is some difference of opinion as to the exact time of its composition. There is also some question as to its authorship and text. Row, the son of one of the committee responsible for it, says that the Assembly assigned different portions of it to the different members, and that when it was returned as complete, they abridged some parts of it. Spottiswoode, the son of another, says that it was "framed" by Knox, and he inserts it in his History "word by word." Knox also inserts it in his History, and his version is in some places larger than Spottiswoode's. Some have assumed, in the face of the latter's assertion that the text was given verbatim, that he falsified it. A simpler and certainly more charitable explanation is, that the larger text is that presented to the Assembly, the other the form which it bore after their excisions. This Book of Discipline contains the first hint of what the service-book of the future was likely to be. Speaking of the sacraments, it says, "Albeit the Order of Geneva, which now is used in some of our kirks, is sufficient to instruct the diligent reader how that both these sacraments may be rightly administered; yet for an uniformity to be kept, we have thought good to add this as superabundant." Both texts are here at one. The passage is sometimes quoted thus: "The sacraments should be ministered after the order of the Book of Geneva." But these words are taken from a short sum of the book, printed for the first time in 1722, from a manuscript of unknown origin. There are two other allusions, but in the larger text alone. Calvin's Catechism is recom-

[1] "Spalding Miscellany," iv. 25.

mended for use "as we have it now translated in the Book of our [*the*, edition of 1722] Common Order, called the Order of Geneva," and again as "printed with the Book of our Common Order." Let us go back a little way to trace the origin of this book, then recently and partially introduced, but which holds so important a place in the history of our worship.

Before the Reformation took an organic form in Scotland it was far advanced abroad, and various church-books had been completed and were in use. The communions using the French tongue had generally adopted one by Calvin. When Knox and other English refugees fled at Mary Tudor's accession they drew together at Frankfort, and were allowed to form a congregation there on condition that they conformed to this French ritual. Such of the English as thought that their Reformation had not gone far and fast enough were ready to do so. But others would not change the worship to which they had been accustomed at home. After a long contest, in which Knox took the lead, what may be called the French party withdrew to Geneva with him as one of their ministers. In Frankfort they had an English translation of Calvin's book. Now in 1556 they had another version specially prepared for themselves, and this our fathers knew as the Book of Geneva, from the place where it was published and used. Single copies of it are likely to have found their way to Scotland. But if the book attracted attention it was not likely to rouse national feeling. The scene of the quarrel was distant. Almost all the disputants were Englishmen, except Knox, and his was not the name of power in Scotland that it afterwards became. Accordingly there is no record of controversy here as to the comparative merits of this book and the Book of Edward. We have seen that at the time of the purging of the churches in 1559 the English book was the recognized substitute for the old worship, and apparently it was keeping its place at the Treaty of Leith a year afterwards. And yet a few months later the Book of Discipline ignores it, and speaks of the Genevan book as already in occasional use. The fact receives confirmation from a very different quarter. Quintin Kennedy, abbot of Crossraguel, in a controversial work published in 1561, alludes to "their book called the Form of Prayers," and quotes words which are to be found in the Communion service

of the Common Order.[1] The names of those who drafted the Book of Discipline are known. Willock was perhaps the most prominent leader of the reformers when Knox arrived from abroad. The same Kennedy writes that the reformers said of him that "he was chosen primate of their religion in this realm."[2] For many years before the death of Edward he was well known as a London clergyman and chaplain to the father of Lady Jane Grey. After serving for some years as superintendent of the West he returned to England, and ended his days as rector of Loughborough. Douglas, afterwards archbishop of St. Andrews, had been one of the most active reformers in Scotland all the time that the English book had been in use. Spottiswoode, superintendent of Lothian, had been ordained by Cranmer. Row, and Winram, superintendent of Fife, were recent proselytes. So lately as in 1559 the one had been resident in Rome, and the other sitting in the Provincial Council of the unreformed Church. There was nothing in the antecedents of any of these men to make them hostile to the book that was in possession—much, in the case of some of them, to attach them to it. The only remaining name is that of John Knox. Whatever reasons caused the new book to be preferred, we may assume that his influence went into that scale. No doubt he too had been for a term of years in the Church of England. He had been one of Edward's chaplains and was offered the see of Rochester. Still he was one of that party who wished the distance between the Anglican Church and the Roman to be widened. Like Bishop Hooper he was an early advocate for the sitting posture at Communion, and a sermon on that subject which he preached before the King was probably the first step towards the insertion of the rubric, which still stands at the end of the English Communion office, defining more distinctly than many Anglicans like the difference between Roman and Reformed eucharistic doctrine.[3] The interesting fragment of his own Communion Service when he was stationed at Berwick, in 1549, brought to light by Dr. Lorimer, shows that here at least he was not a strict conformist. But at the time of his stay in England he had, as he told the men of Frankfort, a good opinion of the Liturgy; afterwards he found in it "things superstitious,

[1] M'Crie's "Knox," note D.D. [2] "Wodrow Miscellany," 267. [3] Lorimer's "Knox."

impure, unclean, and imperfect." After his collision with one section of the English refugees there, he seems to have considered himself the chosen champion of the one book against the other. His feeling was strengthened by his intercourse with Calvin, and the free hand allowed him in preparing the new form of the Order of Geneva. On his way home, when exasperated by Elizabeth's refusal to let him return through her dominions, he writes a letter from Dieppe, using language about the English Liturgy so strong that its suppression in Scotland must have been in his eyes a sacred duty. He describes as a part of the mark of the beast "all these dregs of Papistry which were left in your great book of England, any jot whereof will I never counsel any man to use." When he found the abhorred book holding an authorized place in his native church, a man of his masterful temperament would not conceal his sentiments, nor fail to carry them into action. When before long we have a document issued of which he was a chief promoter, in which the English book is tacitly set aside, and the one which he had been using for years referred to as already accepted in some quarters, we can hardly doubt that during the interval he had been fighting the old battles over again, both among the compilers and throughout the Church. If there was any attempt in the committee to withstand his will, one of the events of the day furnished him with a new and strong argument.

The Book of Edward had just lost the prestige which belonged to it as the national liturgy of the other British kingdom. At midsummer, 1560, it had been superseded by the new liturgy of Elizabeth. The two books were almost the same in form, but such changes as were made were all reactionary. A new rubric on vestments, the same which has been so fruitful a source of discord and litigation in our own day, brought the law back to what it had been ten years before. The prayer for deliverance from the Pope was expunged from the Litany. The Roman forms in giving the elements, which had been omitted in the last book, were restored and set before those which had taken their place; and the rubric on kneeling, in which Knox had been so much interested, was for the time blotted out. These were potent weapons ready for his hand. He could plead that Scotland would be unwise to identify herself with a form

of worship which was changing, and changing in the direction of Rome. If the subject ever became the occasion of public dispute, and was seen to turn on the respective merits of English and French service-books, popular sentiment was likely to be on the same side as Knox. The barons who had introduced the one were in close alliance and sympathy with the English Protestant interest. But in the eyes of the people Englishmen were still our ancient enemies, the victors at Flodden and Pinkie, the marauders who had lately given Edinburgh to the flames. The old French alliance was not to be so easily forgotten. No doubt France had tried to dictate to Scotland in the matter of religion. But the interference came from the court party. There, as in Scotland, the aristocracy, people, and territory were divided between the two faiths. It was the worship of Reformed France that was being offered to Scotland. There is no greater mistake than the popular notion that our fathers were content to take their worship, their church order, or their creed from an insignificant Swiss canton. Calvin was a Frenchman by birth and training. His habits of exact thought, his clear and uncompromising reasoning, were purely French. His system became on the one side of opinion the belief of the most powerful intellects in the most cultured country of Europe. The men of Geneva protected and obeyed the great thinker, whose opinions swayed so strongly the kingdom at whose threshold they lay. And so their city held provisionally the place which belonged to Paris as metropolis of the Reformed in France and the countries adjacent. To Scottish eyes a French Reformed service emanating from Geneva would appear far more cosmopolitan than any that Canterbury could produce. It may be added that the French Book or Canons of Discipline was drawn up in 1559, on the same lines as the Scottish Book of Discipline, and was identical with it in innumerable particulars. It seemed fitting that the forms of worship and forms of policy, appearing almost simultaneously, should all be bonds to draw the old alliance closer.

Whether these are adequate reasons or not, the fact is undoubted that at this point the Book of Edward disappears, and the Book of Geneva comes into view. It is presented tentatively at first, and some years pass before it has primary authority.

It would be unwarrantable to suppose that its rival, closely connected as it had been with the dawn of the Reformation, was at once suppressed. One chance notice, as we have seen, reveals the fact that the English Homilies were in use ten years after the Reformation, and in sufficient numbers to make the right of printing them a privilege of value. In the same way a preference for the English Liturgy may have lingered here and there for a while. The Common Order was to some extent made imperative in 1562, by the fourth of our General Assemblies. "It is concluded that a uniform order shall be taken or kept in the administration of the sacraments, and solemnization of marriages and burials of the dead, according to the Book of Geneva." There is no allusion to the Common Prayers, for which service-books are mainly used. Indeed it was only in that year that the Common Order was published for the first time in Scotland, and with additional prayers for daily service. It is conceivable that the English daily prayers, which, as we have seen, were shorter than now, and gave no foothold for controversy, were keeping their place. But in 1564 there were both a new edition of the Common Order with further changes, and an Act of Assembly enjoining the use of every portion of it. "It is ordained that every minister, exhorter, and reader shall have one of the Psalm Books lately printed in Edinburgh, and use the order contained therein, in Prayers, Marriage, and administration of the Sacraments." The Service-book and Psalter, bound in one volume, were then and long afterwards called in common speech the Psalm Book, since the Psalms, with music, filled most pages and were for the people's own use. The name, "Book of Common Order," exactly describes the smaller portion; for it contained not only liturgical forms, but a confession of belief, with regulations as to church meetings, and the appointment and duties of office-bearers. At later periods manuals for discipline and the observance of fasts were added. But no part was rejected till the whole was silently abandoned at the Westminster era. It has been more carefully guarded abroad. If Scotsmen wish to know how their ancestors worshipped 300 years ago, there are many congregations in France, Holland, and Switzerland where essentially the same service is to be seen, and even the same prayers heard, especially the Confession, with

which the daily service in Knox's Liturgy began, and which was a bond of brotherhood among the Genevan family of Reformed Churches. It is a curious fact, that for a time the same worship was maintained in the most southern and most northern parts of the British dominions. The Channel Islands, in consideration of their French tongue, were allowed to adopt the Huguenot worship, and to retain it for a part of the seventeenth century. An old manuscript history of the Bermudas, lately printed by the Hakluyt Society, describes a dispute which arose among the clergy and people of the settlement as to the use of the sacramental and marriage services of the Church of England. The governor settled the difficulty by substituting "the Liturgy used in the Islands of Guernsey and Jersey, the which being of His Majesty's dominions, and by him tolerated, . . . being one and the very same with that of the French Protestants, those of the United Provinces, and even Geneva itself." After he had himself translated it, the Communion was celebrated in this form on Easter day, 1620. "And this form was generally observed throughout the whole islands (the governor enduring no variation) in these particulars of the Sacraments and Marriage all the time of his government there, and for ought I know so continueth to this day."[1] It was probably for the use of the Channel Islands that a French version of the Westminster Directory, a copy of which is in the British Museum, was printed at Charenton, the great centre of the French Reformed. After the islands became more distinctively Anglican, traces of the old system remained. To this day the lessons in the country churches are read by readers, as in France and old Scotland.

The book, as a whole, is ponderous in style, just because it is weighty with doctrine and controversial allusion. For this the age is responsible more than the country. It is French in origin with Scottish additions, but the same characteristics are to be found in English forms of devotion written at that period. All readers of the English Liturgy who are sufficiently free from early associations to make a discriminating estimate, feel that its beauties lie in those parts which have been gathered from other lands and ages. It is to be regretted that the Scottish

[1] P. 171.

book was not filled from the same fountains, or from more copious springs then almost unknown. The age was one of inquiry, not of contemplation. The purification of belief was its peculiar mission. When it attempted liturgical composition, the jar of polemics disturbed the sweetness of devotion.

The Common Order, in its completed form, is more cumbrous than the original Book of Geneva, from the promiscuous fashion in which the successive additions were appended. When its general structure is compared with that of the English Liturgy, greater differences are at once apparent. While it provided for the sequence and language of worship, it left such matters as vestments, attitudes, and visible ceremonial in general, to be determined by usage. These soon settled themselves, and were perpetuated by unwritten tradition, which has been more uniform than might have been expected, considering that there was no standard of appeal. Some customs came from abroad with the book. Some were inherited from the old worship, though those who used them soon forgot the source from which they came. Some were self-originated in after-years. A principle was kept in view, which was defined more distinctly and held more firmly in later controversies, that no absolute authority ought to be claimed for human appointments, however expedient and seemly.

Another feature of the book was that it was so framed as to make responsive worship impossible. The worshipper was to follow the continuous prayers with silent accord, probably without even an audible "Amen." At Frankfort the signal for the outbreak of hostilities between the two parties was the loud responses of the Anglicans when a liturgy of compromise was read. The ground which Knox had taken up there, he was not likely to abandon in Scotland. His position would be that the people's vocal part in divine service was the singing of Psalms; for the preface to the original Geneva Book says: "Prayers are after two manner of sorts, that is, either in words only or else with song joined thereunto." Then provision was made for keeping a due balance between liturgical and free prayer. There was as yet among our fathers no objection to forms of public devotion. Nothing can be more distinct than the words of Knox's friend

and leader, Calvin: "I highly approve of it that there be a certain form from which the minister be not allowed to vary: that, first, some provision be made to help the simplicity and unskilfulness of some; secondly, that the consent and harmony of the churches—one with another—may appear; and lastly, that the capricious giddiness and levity of such as affect innovations may be prevented. To which end I have showed that a Catechism will be very useful. Therefore there ought to be a stated Catechism, a stated form of prayer, and administration of the Sacraments." Forms prepared by him with these ends in view were adopted verbatim by the Scottish Church; but they followed him also in guarding jealously the right of free prayer, especially before and after the sermon. Now it alone remains. The popular belief has come to be, that from the Reformation onwards, preaching set off by free prayer and the singing of psalms was the sum of weekly worship.

It will be necessary to examine with some fulness of detail the worship which became universal as soon as the Common Order was recognized as the Directory of the Church. With slight modifications it continued till the days of the Commonwealth, and notwithstanding the losses and additions of that time, is the basis of that which has come down to us. We shall not follow the somewhat confused arrangement of the book, but the natural order of the several parts, and consider, first, the daily, and then the sacramental services. We say *daily* service, for it was not usual then, as now, to keep the door of God's house closed from Sunday to Sunday. In towns there were public prayers every day, and in Edinburgh and Glasgow, at least, churches remained open for private devotion.[1] During the week there were sermons preached on one or two days. In the country the number of week-day services depended on the nearness and number of the population. On Sunday there were two services. It has been the later usage to begin worship a little before noon. In this respect we have departed far from the old custom of the country, which was to begin several hours earlier than now. Before the Reformation, service had necessarily been early, because Mass had to be celebrated before the first meal, and the familiar custom was

[1] Wodrow, "Biog. Coll.," ii. 22.

continued. When there was Communion the service began at a still earlier hour; in Edinburgh, for instance, in 1566, at four o'clock.[1] For the ordinary Sunday service three bells were rung, one to tell that the hour of worship was at hand, the second for the reader's service, the last for the sermon. One or both of the earlier ringings on Sunday morning are still kept up in many places, though few who hear them know what they once meant. On week days bell and worship have long ceased. Notices in the Session Records of Glasgow and Aberdeen show that when the congregation were assembling men and women took their places in different parts of the church, as is still the custom in some countries of Protestant Europe.[2] The service began with a short exhortation or preface, calling all who were present to hear and follow in their hearts the confession of sins in the form common to all the Churches technically called Reformed, as distinguished from the Lutheran. The Common Order makes no mention of any other than the minister, anticipating the time when every church would be filled by one commissioned to fulfil all the functions of the ministry. But at first the ministrant was generally a reader, who did no more than read the liturgy and lessons.

Here the question rises, In what attitude were these prayers offered to God? It has been common among us to assume that the custom of standing, lately so general, prevailed in Scotland without interruption since the Reformation, and that in Britain at least kneeling was peculiar to the Church of England. On the contrary, kneeling was the Scottish usage so long as the Common Order was the guide in worship. In time it changed into sitting, the most careless and irreverent of all postures, and that was afterwards amended by borrowing from Episcopacy the more decent attitude of standing. Many an advocate of this last attitude must have been puzzled in reading Calderwood's History to find him including among "superstitious rites entered in the Kirk" in the early ages "not to kneel in time of prayer on the Lord's Day," ranking it with reservation of the Communion and the sign of the cross.[3] No doubt he refers to the well-known canon of the Nicæan

[1] Lee's "Lectures," i. 395. [2] Wemyss' "Life," 17; "Aberd. Sess. Rec.," 40. [3] i. 38.

Council. At the Reformation the Scottish Church made no reference to the subject. No controversy between Romanist and Reformed turned upon it, and there was therefore no cause for disturbing the existing custom. Kneeling at the time of receiving the Communion was forbidden, but this had no connection with the attitude taken at Common Prayers. The practice of Calvin may be gathered from a passage where, speaking of having something like a declaratory absolution after the Confession, he says: "I would have introduced this custom from the beginning, but some fearing that the novelty of it would give offence, I was over-easy in yielding to them; so the thing was omitted, and now it would not be seasonable to make any change, because the greatest part of our people begin to rise up before we come to the end of the Confession."[1] Strange to say, the First Book of Edward, supposed to be so favourable to Romish custom, treats kneeling as optional, while the French Discipline enforces it. The former says: "As touching kneeling, crossing, holding up of hands, knocking upon the breast, and other gestures, they may be used or left as every man's devotion serveth, without blame." But the Huguenot canon is, "That great irreverence which is found in divers persons, who at public and private prayers do neither uncover their heads nor bow their knees, shall be reformed, which is a matter repugnant unto piety and giveth suspicion of pride, and doth scandalize them that fear God."[2] The custom which the Scots inherited from their fathers was to kneel on the church pavement. It may be supposed that sitting began and grew common as pews gradually encroached upon the floor and galleries blocked up the pillars. From an order of the General Session of Glasgow in 1587, it appears that the change was already attracting notice. It required "that all persons in time of prayer bow their knee to the ground." But kneeling was in use long after. Calderwood, writing so late as 1623, says: "Kneeling is the posture of one who adores. It does not follow . . . that we receive the elements on our knees, because we now offer adoration on our knees in prayer. . . . We pray on our knees of our free will, not because we are compelled by any law. . . .

[1] "Eutaxia," 22. [2] "Discipline," x. 1.

Both Scripture and nature commend to us kneeling at prayer."[1] An incidental allusion by Gillespie shows that before the Westminster period sponsors knelt at baptism, and Alexander Henderson told the Assembly of Westminster that the custom of Scotland was either to kneel or sit at the consecration prayer. In a volume of his sermons published some years ago, there are not only discourses and prayers, but his prefaces, in which, as the Common Order required, he calls the congregation to pray, sometimes saying: "Let us now fall down before the Lord our God;" once at the close of a sermon, "I would have all of you to bow your knees;" and more frequently, "Let us humble ourselves," a phrase of which the import as it was then used is often missed. It meant *kneeling*, the lowly attitude of the body as well as of the soul.

The Common Order has no mention of the reading of Scripture. In this it does not differ from the Continental Reformed liturgies of the same period. Both here and abroad, however, the practice was universal, and did not cease in Scotland till the reader's office fell into disuse. Indeed, the Scripture, which was not formally enjoined, was read longer than the liturgical prayers, which were. Its sanction came from the Book of Discipline, which, though never ratified, was always listened to as an authority: "We think it a thing most expedient and necessary, that every kirk have a Bible in English, and that the people be commanded to convene and hear the plain reading and interpretation of the Scripture, as the Kirk shall appoint." Still less was it thought necessary to add a Lectionary to the Common Order. The Book of Discipline distinguishes between things necessary and things merely profitable, and gives as instances of the latter, singing of psalms, "that certain places of the Scripture be read when there is no sermon," and the number of the days of worship in each week. But it enjoined what, so far as each congregation was concerned, was tantamount to a Lectionary, that each book of Scripture should be begun and orderly read to the end, and the same rule was to hold as to the preacher. There was to be no "skipping and divagation from place to place of Scripture, be it in reading or be it in preaching,"

[1] "Altare Damascenum," pp. 785, 790.

and for generations both injunctions were strictly observed. There was never in the Scottish Church any Authorized Version of the Holy Scriptures. The Book of Geneva and the Genevan version of the Bible came into use together, and were silently superseded about the same time. The present version gradually took the place of the other, but it was never imposed by any authority, civil or ecclesiastical, except the canons, which came from England in 1636, only to be rejected. The dedication to King James, so well known by sight and so seldom read, has reference only to its use in England. Pieces of the Genevan version are to be found embedded in the Westminster Standards themselves.[1]

The singing of the psalm was the link uniting the reader's service to the preacher's. A universal characteristic of the Reformation was the eagerness with which the people took up congregational singing as against that of officials. Nowhere was the movement more enthusiastic than among the French Reformed, whose Psalter, by Marot and Beza, was naturally a model for Scotland, and here at least Scotland and England were also at one. The author of the "Troubles of Frankfort" says that the English colony there used "a Psalm in metre in a plain tune, as was and is accustomed in the French, Dutch, Italian, Spanish, and Scottish Churches." Versions of the Psalms were made in metrical form, partly to aid the memory, partly to represent the artificial structure of the Hebrew poems, which necessarily disappeared in translation. They were set to music on a principle thus described by Cranmer, in writing to Henry VIII. about certain translations of Church hymns which he had made "for a proof to see how English would do in song." He says: "In my opinion the song that shall be made thereunto would not be full of notes, but as near as may be for every syllable a note." Another rule was observed that in sacred, as in secular music, the same words were sung to the same tunes. The new mode caught the popular ear and affection. Psalms were sung in the home, on the journey, wherever there was a gathering of the multitude. In public worship the usage came to be that there were two psalms, the people's part of the service, as a

[1] Lee's "Additional Memorial," 66.

prelude and a sequel to the minister's. Cartwright, the Puritan leader, describes the psalmody "used in the Reformed Churches, which is in the singing of two psalms, one in the beginning and another in the ending, in a plain tune, easy both to be sung of those which have no art in singing, and understanded of those which, because they cannot read, cannot sing with the rest of the Church."

The accepted translation in England was that of Sternhold and Hopkins, and continued till its place was taken by Tate and Brady. With the exception of a small proportion of the Psalms, the Scottish version, authorized in 1564, was the same as the English; bound in one volume with the Common Order, it was in general use till both were superseded, the one by Rous' Psalms, the other by the Directory. The Scots, however, did not hold the opinion sometimes attributed to them, that nothing but the Psalms of David ought to be used in musical worship. There were only Psalms in the first edition, but there were soon added metrical paraphrases of the New Testament songs, the Decalogue and Lord's Prayer, besides the Creed, the Veni Creator, and other non-scriptural forms. There were also many versions of the doxology to be sung at the end of psalms, afterwards the cause of much discord between the old Scottish Churchmen and the men of English sympathies. Many of these forms had been versified at an earlier period for use abroad, and at home by the Wedderburns. The doxology had been in use in Scotland from the date of the Reformation.[1] The edition of the Psalm Book published in 1595 has this peculiarity, that a short prayer, hardly longer than a collect, is joined to each psalm.

The psalm within the church, and the third bell without, marked the close of the service from the desk or *lateran*, and intimated that the service from the pulpit was about to begin. When, as before long was generally the case, there were both a minister and a reader in the parish, the minister seems not only to have left the first service to his subordinate, but to have absented himself from it. His first act on entering was to bend in secret prayer. Of this "bowing in the pul-

[1] Keith, iii. 490.

pit," a continuation of the genuflexions of the old worship freed from their superstition, we shall also hear hereafter. Row describes a scene in St. Giles' church, in 1586, when Archbishop Adamson went into the pulpit to preach before King James, "and after the English form began to beck in a low courtesy to the King, whereas the custom of this Kirk was first to *salute God*, to do God's work, and then, after sermon and divine worship closed, to give reverence and make courtesy particularly to the King."[1] After his private devotions the minister—sometimes with, sometimes without a preface—offered a prayer for grace, not of great length probably in the first age. But as the liturgical prayers became less regarded, and were joined in by fewer worshippers, these "conceived" prayers grew in importance and length. They were not necessarily extemporaneous. Among the manuscripts left by Principal Rollock to his literary executor were his prayers "as he uttered them in pulpit before and after sermon."[2] Henderson's, as we have seen, are printed with his sermons.

The Common Order does no more than indicate the place of the sermon. Its length was not so portentous as it has been the fashion to represent. An hour, measured by the sand-glass, was the ordinary length. James Melville, speaking of youthful doubts as to his fitness for the ministry, says: "I thought it a thing impossible that ever I could have the ability to stand up and speak when all held their tongue and looked, and to continue speaking alone the space of an hour."[3] Knox took half an hour to open up his text, and then proceeded with the application of it. A sermon an hour in length is more than the taste of the present day tolerates, but not more than was common within living memory, not more than a student even now looks for from his professor, less than is endured and expected from political orators and literary lecturers. The incessant call for shortening more and more the time allotted to preaching must have some cause peculiar to itself; whether in the increasing inefficiency of speakers, increasing indifference on the part of hearers, or the absence of those lively excursions into political controversy which our fathers loved, we shall not try to decide. But the time of the most

[1] P. 115. [2] M'Crie's "Melville," ii. 422. [3] Autobiography, 23.

lengthy preaching was not yet. The days of "taking another glass" came later. When they began they were not the characteristic of any one party. Livingston, whose fame and success as a preacher were so great, seldom preached for more than half an hour. Forbes, the first bishop of Edinburgh, whom his opponents represented as drawing nearer to Rome than any Scottish prelate of his day, preached for five or six hours at a time.

The afternoon service was generally catechetical. At the present day catechizing is considered the work of the parent or other Sunday instructor of the young. In those days it was a branch of ministerial work. Calvin's or the Heidelberg Catechism was used as a text-book for the instruction of young and old, from the pulpit, on Sunday afternoon. The name of catechist given in later times to lay preachers in the North serves to connect the two conceptions of a Christian worker instructing children from a catechism prepared mainly for them, and a minister teaching his flock at afternoon service, not from a text of Scripture, but from one of the fifty-two sections of Calvin's Catechism.

The sermon was to be followed by "a prayer for the whole estate of Christ's Church." Though thus described it is preceded by a prayer for a blessing on the word, and ends with the Lord's Prayer, followed by the Apostles' Creed. When there was no preacher all these would be repeated by the reader immediately after the earlier prayers. But there is no trace of his reading them after another had preached. The minister had the option of using free prayer after as well as before the sermon, and often did so. Whether after thus invoking the divine blessing on his teaching, he prayed for all conditions of men in the liturgical form, lay with himself. The custom of having the prayer of general intercession after and not before the sermon was an invariable rule, and has continued to our day. It is in accordance with the usage of the first Christian ages, when the instruction rose out of the Scripture for the day, and the prayers for the body of the faithful, with the Creed and the Lord's Prayer, were part of the Communion Service with which the worship of every Lord's Day closed. Other branches of the Reformed Church had generally this prayer after the

sermon. It was at first the custom of the Reformed Church of England. The prayer for the Church militant was, and still is, in that part of the Communion office which follows the sermon. In the First Book of Edward it was even part of the Consecration Prayer. The daily prayers for the Sovereign, clergy, and all sorts and conditions of men were added at a later time, because there were no petitions for them when the Litany and Communion Service were not read. The custom often adopted of late years in England of preaching after the three collects at evening service, admits the principle that the sermon ought not to be the culminating part of worship. Some among ourselves are reversing the change, and offer the prayer of general intercession before they preach. In this they can claim the support of the Directory. But that provision was resisted by the Scots. They succeeded in having a rubric inserted which sanctions our national custom as an alternative. It was the Independents who were most anxious to have this prayer early in the service, that they might conform literally to the exhortation in 1 Timothy ii. 1. In course of time it became very common in Scotland to say the Lord's Prayer before the sermon, and the Creed altogether disappeared; but down to the Great Rebellion it was tenaciously maintained as an essential part of the Baptismal service. Baptisms were always in public and after the sermon. The Creed at the end of the last prayer may have been laid aside from a feeling that there need not be two repetitions of it so close to each other. If there was any reason in this it has lost much of its force, when so many baptisms are celebrated elsewhere, and those that are performed in public are delayed till one service may serve for many children—as if it were a hardship to minister and people that their prayers should be offered for a solitary child.

The last prayer ended, the congregation sang a psalm, and the service closed with a benediction, either the old Jewish form as in the sixth chapter of Numbers, or the apostolic at the close of the Second Epistle to the Corinthians. When the Second Book of Discipline was adopted by the Church, a few years after the Reformation, it spoke more distinctly of the benediction as peculiarly a ministerial function than the earlier standards had done. "It appertains to the pastor to bless the flock

committed to his charge in the name of the Lord, who will not suffer the blessings of His faithful servants to be frustrate."

Such was the weekly worship of Scotland from the age of the Reformation, and it retained its general features unaltered till the time of the Westminster Assembly. It was not affected by changes of Church government. Cowper, bishop of Galloway, published between 1612 and 1619 a controversial work in defence of Protestantism, under the title of "Conference between a Catholic Christian and a Catholic Roman." The Romanist is taken by his friend to a Scottish church on Sunday morning, and a dialogue, after the manner of Izaak Walton, ensues:—

R. "What is this the people are going to do?"

C. "They bow themselves before the Lord, to make an humble confession of their sins, and supplications for mercy, which you will hear openly read out by the public reader. Now, when it is done, what think you of the prayer?"

R. "Truly I think there is nothing in it, but that whereunto every good Christian should say Amen; and it hath done me much good to see the people, with humble reverence sighing and groaning, accompany the prayer up to God. But what go they now to do?"

C. "Every one is preparing (as you see) their Psalm-book, that all of them, with one heart and mouth, may sing unto the Lord. There is the psalm which the reader hath proclaimed; if you please you may sing with them, or if you cannot, follow them in your heart."

R. "So I will. What doth the reader now? is he making another prayer?"

C. "No. Yonder book which now he opens is the Bible. You will hear him read some portion of Holy Scripture. Understand you what he saith?"

R. "Yes, forsooth, well enough, for he reads very distinctly."

C. "These are the three exercises which are used in all our congregations every Sabbath, one hour before the preacher comes in; first prayer, then psalms, then reading of Holy Scripture; and by these the hearts of the people are prepared the more reverently to hear the word, and you see all is done with great quietness, devotion, and reverence."

R. "I see that, indeed. . . . But what are they doing now?"

C. "You hear the third bell ringing, and in this space the reading ceaseth, and at the end of the bell ringing the preacher will come."

R. (After some discussion). "But we must let this alone, for there comes the preacher. And now, I pray you, tell me how I should behave myself."

C. "Trouble you not, do as you see others beside you; for first he will conceive a prayer, at the which the people humble themselves; thereafter he reads his text of Holy Scripture, this the people hear with reverence; then he falls to the preaching, which some hear with their heads covered, some otherwise; in that you may do as your health requires; the preaching being ended, he concludes all with a thanksgiving, after which there is a psalm sung by the whole congregation, and then the minister blesseth the people in the name of the Lord, and so dimits them. You will see no other thing here."

Compare with this Henderson's account of the worship after Presbytery had been restored. His "Government and Order of the Church of Scotland," published in 1641, had a semi-official character. In it he says: "When so many of all sorts, men and women, masters and servants, young and old, as shall meet together, are assembled, the public worship beginneth with prayer and reading some portion of Holy Scripture, both of the Old and New Testament, which the people hear with attention and reverence; and after reading, the whole congregation joineth in singing some psalm. This reading and singing do continue till the preaching begin; at which time the minister, having prefaced a little for quickening and lifting up the hearts of the people, first maketh a prayer for remission of sin, sanctification, and all things needful, joining also confession of sins and thanksgiving with special relation to the hearers. After which in the forenoon is another psalm, and after the psalm a prayer for a blessing upon the preaching of the word. . . . After sermon he praiseth God, and prayeth again for a blessing, joining earnest petitions for the Church universal, and for the coming of the kingdom of Christ; for all the afflicted churches, for the churches in His Majesty's dominions, for the Church of

Scotland, ministry, and people; for the King, the Queen, the Prince, and their whole royal progeny; for all the members of that particular congregation, as well absent in their lawful affairs as present; for all that are afflicted among them, in body, mind, or means. The prayer ended, a psalm is sung, and the people dismissed with a blessing."

Let us now consider the sacramental and occasional services of the Church, as established by the Common Order. In the form for administering the *Lord's Supper*, what first strikes the reader is its extreme simplicity. It appears, however, to be more meagre than it really was. The prayer for grace and sacramental blessing with which it began is to be found in another part of the book appended to the Common Prayers at the point where on other Sundays the last psalm followed the Creed. Even with this addition we miss what in later times came to be considered necessary parts of the service—prayer for a blessing on the elements, words to be spoken at the moment of giving the bread and the cup, and addresses to the communicants as they sat at the table. Though no words of administration are prescribed, it was not intended that the elements should be given silently. The Book of Discipline says, "that commandment ought to be given that the bread should be taken and eaten, and that all should likewise drink of the cup of wine, with declaration what both the one and the other is, we suppose no godly man will doubt." From the pulpit the minister reads the words of institution, followed by an address taken partly from the English, partly from the Genevan Liturgy, embodying among other things what is now known as "fencing the table," repelling the unworthy and inviting the faithful. Then coming to the table he offers a prayer, which is one of thanksgiving only. The elements are given and received while the reader from his desk is reading some place of Scripture regarding our Lord's passion. A few words of prayer follow, a psalm and benediction, and the service is ended. The administration might be repeated many times when the number of communicants was great; for it must be remembered that the separate table for the elements and the reception of them by the worshippers in the seats where they sat on other days, common as they are now, were in those days unknown. It

was believed that the significance of the sacrament was lost unless there was a long table prepared as for a feast, with the communicants seated along its sides. When the congregation was large the necessities of the case were provided for in different ways. John Knox once continued the celebration for seven days together. It was common to have Communion in the earliest morning, sometimes by torchlight, and a second celebration in the forenoon. Very frequently the sacrament was continued on a second Lord's Day. The absence of pews often admitted of several tables being set up side by side with that at which the elements were consecrated and first received. And there was the expedient, which afterwards became general, of having successive companies of communicants at one prolonged service. But on one point no variation of custom was tolerated by those who cherished the traditions of the Reformation. The communicant must be seated when he received the elements. The custom was chiefly a British one, for among the Continental Reformed standing was the more frequent attitude. In England, Hooper, Knox, and A'Lasco advocated sitting at an early period. They thought that this was the nearest approach which our customs allowed to the attitude in which the disciples partook of the first Communion. The Anglican attitude of kneeling was considered as little less than idolatry. One of the most unpopular of the Five Articles of Perth was that which enjoined it. It was only partially obeyed, and after its rejection at the great Glasgow Assembly was never revived.

As time went on, the clergy seem to have used the discretionary power allowed to them in expanding, somewhat, this very simple Communion service. Calderwood, who in his younger days was less devoted to the old usages than after his return from banishment, says that for thirteen years he had not followed its forms, and that many did as he did.[1] Giving a general description of the sacrament as it was celebrated in 1623, he calls the Communion prayer a *benediction* or thanksgiving, and says that the minister repeated our Lord's very words in giving the elements, and exhorted the people as long as the distribution continued. Sometimes

[1] "Altare Damasc.," 613.

the Scripture account of the Passion was read as required by the Book, but it was only while the table was being filled by new communicants.[1] Henderson's account in 1641 differs little from Calderwood's or from our traditional practice, except that the sacrament is given in this form, "Take ye, eat ye: this is the Body of the Lord which was broken for you," &c. An extract from the session-book of Anstruther, quoted by Principal Lee in his Lectures,[2] implies that in 1592 none were permitted to receive the sacrament after twelve o'clock. The minister at that time was Durie, one of the Presbyterian leaders banished in 1606. This notice implies that the Communion was in those days received fasting, and is confirmed by a passage in Blair's Autobiography, where he says that being present at a Communion at Irvine when very young, apparently about 1605, "I was greatly ravished in my spirit at the first exhortation at the table and desired earnestly to communicate, but having gotten my breakfast I durst not, for it was then a generally received opinion that the sacrament behoved to be received fasting." In a pamphlet of Calderwood's published in 1628, he shows, what it is difficult to realize now, that the two parties then in the Church could be distinguished by the quantity of the elements taken by each. Under the Pastor "they eat and drink in such measure as they may find themselves refreshed sensibly;" the Prelate "hath turned the refreshment of eating and drinking into a pinched tasting."[3]

The preparatory services connected with the Communion were very different from those to which Scotland has been accustomed in later times. There was the long-continued examination of the communicants, which succeeded the ante-Reformation custom of going to confession before the Easter Communion. There was a meeting to which all persons who were at variance with each other were summoned that they might be reconciled before going to the holy table. The Communion fast-day was unknown. The only one of the offices of religion to which fasting was formally conjoined was ordination. National and local fasts, extending frequently over many days, were frequent. It happened at times that some of these coincided with the Communion. But if this was by

[1] "Altare Damasc.," 778. [2] I. 402. [3] "Pastor and Prelate," 9.

design it was that the fast might be concluded by the Communion, rather than that the Communion might be preceded by a day of abstinence. Tradition connects the Communion Monday with the revival at Shotts in 1630. It is said that John Livingston, on the day after the Communion there, addressed the assembled multitudes with such fervour and so rich a blessing that the custom was continued till it became permanent. If this was its origin in Scotland the idea probably came from Ireland. Blair in his Autobiography speaks of having to preach on Monday at an Irish Presbyterian Communion, at an earlier date than this, when the minister appointed failed to appear. Some say that Livingston had already been in Ireland. Blair was certainly his companion at Shotts, being on a visit to his friends in Scotland. The celebrated sermon was probably suggested by the Irish experiences of one or both. But it was some time before the service became general. The only one of the "preaching-days" which has any claim to be coeval with the Reformation is the Saturday. There is in the session-book of Canongate a notice of an *exhortation* to be on the Saturday afternoon before Communion in 1566, and there are references to the preparation sermon at intervals from that time onwards. There were, of course, daily prayers and week-day sermons in every town every week of the year, and when so rare an event as the Communion was at hand these would be used for the edification of the intending communicants.

A rubric before the Common Order service for the Lord's Supper says that "it is commonly used once a month." These are merely words descriptive of Swiss usage, transferred to the pages of the Scottish reprint, and not disturbed in subsequent editions. There is no evidence of any intention or attempt to make them a reality, nor are they known to have been so at any period of our history since the Reformation or before it. One of the points at issue between Queen Margaret and the native clergy, was that there was no coming to the sacrament, even at Easter, when, if ever, the usage of Christendom required men to communicate. The reason given was the same that is to be heard in some places at the present day: "Since we know ourselves to be sinners we fear to come to that

mystery, lest we eat and drink judgment to ourselves." During the following centuries, in Scotland as elsewhere, Mass was regularly celebrated as an edifying spectacle and an instrument of indirect blessing to the living and the dead. But the laity received the one element allowed to them very rarely. The fourth Lateran Council issued a canon enjoining all Christians of full age to communicate at least every Easter. Other canons, apparently neglected, required that the sacrament should be received at least thrice a year. When, in 1549, the men of Devon rose against the Reformation, one of the articles setting forth their grievances was: "We will have the Sacrament of the Altar but at Easter delivered to the lay people, and that but in one kind."[1] Everything tends to show that the prevailing custom of the laity at the time of the Reformation was to communicate only once a year, except in the case of the very devout, or at the approach of death. To this Popish practice the people of Scotland adhered with remarkable steadfastness. Calvin denounced it as an invention of Satan. Even he could not have his ideal of monthly Communion realized. The French Discipline says that most of their churches did not have it more than four times a year, but they desire to have it oftener.[2] Scotland fell short of France. The Assembly of 1562, which directed attention to the Book of Geneva, disregarded it by an ordinance that there should be Communion four times a year in towns, but only twice in the country. In this they followed the Book of Discipline. The clergy in their turn disregarded the Assembly. Quarterly Communion was treated as a devout imagination. Two men, Scrymgeour of Kinghorn, and Scot of Abercorn, are recorded in the seventeenth century as having observed the law, but evidently these cases were exceptional.[3] After the Reformation Edinburgh did begin with the mediæval minimum of three Communions, but had fallen back to two before Knox was in his grave, and no town ever seems to have thought of having more. Glasgow had two Communions in only six of the sixty-two years preceding the publication of the Directory. In rural parishes annual Communion was the rule, and the ecclesiastical records are full of

[1] Cranmer's "Remains," 173. [2] XII. 14. [3] Calderwood, vii. 413; Scott's "Fasti," i. 164.

cases in which years, sometimes many years in succession, passed without any celebration. Under presbyter and bishop alike this scandalous neglect prevailed. In most of our country parishes there are people still living who can tell the year in which the scanty measure of privilege promised to them by the Assembly of 1562 was for the first time conceded.

The *order of baptism* begins with a rubric forbidding two Romish practices, baptism by women, and baptism in private. Another of the grievances of the Devonshire rebels had been: "We will that our curates shall minister the sacrament of baptism at all times, as well in the week-day as on the holy-day."[1] "But," says the Common Order, "the Sacraments are not ordained of God to be used in private corners, as charms or sorceries, but left to the congregation, and necessarily annexed to God's word as seals of the same." For many years this was enforced, but there was a tendency to dispense with it for special reasons, which increased till it was sanctioned by one of the Articles of Perth, but only to be repressed again by the Assembly of 1638. There is reason to suppose that the language of the service, with the exception perhaps of the long exposition of the Creed, was strictly adhered to by ministers. Ever since the Church's Liturgy ceased to be used, they have generally baptized by a fixed form of their own, as is fitting when solemn obligations are to be imposed which ought to be known beforehand. The most obvious difference from later practice is that the child was accompanied by both father and godfather. God-parents were retained as long as the Church remained in close affinity with the Reformed Churches abroad, all of which allowed them. In popular speech they were called witnesses. It is not to be supposed from this that they were no more than spectators asked to be present, that they might be able to testify to the administration of the sacrament. That might have been necessary had private baptism been allowed, but not when it was performed in the public congregation. The Reformed conception of the office is described in the French Discipline.[2] It claims for it no divine authority, but commends it as "an ancient and accustomed order, very good

[1] Cranmer's "Remains," 175. [2] XI. 12.

and profitable," and enacts that "Pastors shall diligently exhort all godfathers and godmothers to weigh and consider their promises made at the celebration of baptism, and parents also to choose such sureties for their children as are well instructed in religion, and of a godly life and conversation, and that are as much as may be of their acquaintance, and by whose means, if there should be a necessity for it in the course of God's providence, it is most likely that their children will have a religious education." But if more than a spectator, the Reformed godparent was not identical with the Romish. He did not displace the parent at the ceremony. He did not answer as if invested with the personality of the child. He was not considered as becoming the spiritual kinsman of the baptized, so as to prevent marriages which, but for this artificial relationship, would have been lawful. It was probably with an eye to this that a statute of the Scottish Church, three centuries before the Reformation, enacted that when more than the canonical three received the child from the font, the others should be called witnesses, not godparents.[1] This verbal distinction was evidently in the mind of the Lords of the Congregation when they addressed one of their demands to the Queen-Regent in these terms: "That the Holy Sacrament of Baptism may be used in the vulgar tongue, that the godfathers and witnesses may not only understand the points of the league and contract made between God and the infant; but also that the Church then assembled, more gravely may be informed and instructed of their duties which at all times they owe to God, according to that promise made unto Him when they were received into His household by the lavacre of spiritual regeneration." Evidently they clearly distinguished witnesses from godparents in spiritual affinity on the one hand, and spectators on the other. But after the Reformation was accomplished the words godparent and witness became convertible terms. In the Record of the Assembly of 1566, the name witnesses is applied to persons who had been godparents at Romish baptisms; and in England, about the same time, Archdeacon Calfhill says that in St. Augustine's time "the witnesses made answer

[1] "Concilia," ii. 31.

in the infant's behalf to the articles of the faith."[1] At first godmothers seem to have been allowed in Scotland. Winzet, when taunting the Reformers with receiving at least some traditions, asks: "Why have ye godfathers and godmothers, since the whole congregation there present may be witness? Why had ye godmothers in the beginning, and now repel the same?"[2]

In Aberdeen, for at least twelve years after the Reformation, the old rule as to the number and sex of godparents was adhered to.[3] But in 1596 the sponsors of the Princess Royal of Scotland, the ancestress of our Queen, were all males.[4] "The English Ambassador, holding her up as witness for Queen Elizabeth, named her Elizabeth." A little before this, Brown, the father of English Congregationalism, came to Edinburgh with a letter of introduction from Andrew Melville, and began to vent his opinions. Among other things which startled the Scots, he argued that "witnesses in baptism were not a thing indifferent, but simply evil," which would have been an absurd position had they been intended merely to testify to a fact. Another difference between the earlier and later practice of the Church was, that whoever presented the child for baptism, not only assented to the Apostles' Creed, but repeated it. All these changes have made our baptismal service very different from what the Reformers meant it to be. It has no liturgical form, no godparents, too often no creed, and no congregation to receive the young soldier of Christ to the fellowship of His Church, and to be reminded of their own baptismal covenant.

The *service with which ministers were ordained* was of Scottish origin. In the spring of 1560–61, "a form and order of the election of the superintendent" was drawn up for the admission of Spottiswoode as superintendent of Lothian. It was afterwards appended to the Book of Common Order, and continued to be used for the admission of all ministers till the beginning of the seventeenth century, when, after the introduction of Episcopacy, a new service appeared, more Anglican in spirit. This seems to have been accepted without opposition.

[1] "Answer to Marshall," 213. [2] Keith, iii. 464. [3] "Spalding Miscellany," ii. 34. [4] Calderwood, v. 438.

It has no form for the ordination of deacons. That for ministers is a compromise between the Common Order and Common Prayer; that for the consecration of bishops approaches more nearly to the English; but in neither is there the form, "Receive thou the Holy Ghost," &c. The Common Order form was still in use down to the time of the Perth Assembly, for the protesting minority appeal to what "the ministers of this Church, by order of the same printed and inserted before the Psalm Book, at their admissions *respective* promise in the presence of God." The new Ordinal, as printed in the "Wodrow Miscellany," bears the date 1620. But it appears that, as with all liturgical forms in Scotland, a large discretion was allowed. We find one of the Row family ordained by the Bishop of Dunkeld with the old form in 1624, and down to 1638 there are traces more or less distinct of the ordination service being relaxed both in Scotland and in the north of Ireland to relieve scrupulous consciences. Here, as in many other matters, we are dependent on accidental allusions for what we know. Consecrations were rare. Ordinations took place at the bishop's residence, and were for those only who were inducted to livings. Two or three men on an average would be ordained by each prelate annually. The ceremony attracted little notice, and its details found no recorder.

One point must be noted in the form prepared for Spottiswoode's admission. It says nothing of the imposition of hands. It could not; for this reason, that he had been in English orders for more than twenty years. It was inserted in the Common Order as it stood, not omitting even his name or the prayer for him as "charged with the chief care of Thy Church within the bounds of L." (Lothian). What was once admitted into the Psalm-book was never changed. And so this service was read, *mutatis mutandis*, for sixty years at the admission of all ministers without any mention of imposition of hands, though the ceremony was used for at least most of that time. As a rule those who were first admitted under it were in Spottiswoode's position. They were clergymen already. The omission would not call for notice were it not for a passage in the First Book of Discipline which says: "Other ceremony than the public approbation of the people and declaration of the chief

minister that the person there presented is appointed to serve the Church, we cannot approve; for albeit the apostles used imposition of hands, yet seeing the miracle is ceased, the using of the ceremony we judge not necessary." Of course the Book of Discipline was not a binding authority. It was never sanctioned by the State. And we have seen in the case of the passage enjoining four Communions annually, that in purely ecclesiastical matters the Church did not hesitate to disregard the recommendations of its compilers if it seemed fit. It is certain that if the Scots ever departed from the primitive practice of imposition of hands, they very soon returned to it. The Second Book of Discipline made it imperative, but our information as to the practice during the previous interval of seventeen years is very scanty. The oft-cited license of the minister of Garvald by the Archbishop of Canterbury, because he had been ordained according to the use of the Scottish Church, was granted in 1582, and says that he had received imposition of hands about five years before. Local records make it a little earlier, but in any case the date of his ordination was earlier than the date of the Second Book of Discipline. The interval is still further narrowed by the fact that Erskine, the superintendent of Angus, in an "Epistle to the Faithfull," written in 1571, describes the mode of admitting ministers to be "public, by imposition of hands by the pastors, with admonitions, fasting, and prayers passing before."[1] If the Assembly records had been preserved, it is likely that something bearing on the question would have been found registered in the year 1570. The summary which remains shows that the Regent was asked to concur with the Church in certain articles, of which admission to the ministry was one. The preface to the Ordinal of 1620, already referred to, says that the Assembly of 1571 appointed diligent examination to be made of the learning, qualities, and good conversation of pastors before their entry, "and their admittance to be by a public and solemn form of ordination." Calderwood preserves a question referred to the next Assembly with its answer. "What punishment shall be inflicted on such ministers as refuse to be inaugurate in the ministry? Answer: If they

[1] 'Spalding Miscellany," iv. 101.

will not be received according to the order taken by the Kirk, let them not be admitted."

It is certain that the indifference expressed in the First Book of Discipline was not shared by Churches abroad. The French Discipline required that "the election of ministers shall be confirmed by prayers and imposition of hands, always avoiding superstition."[1] And Calvin repeatedly defends the ceremony in his writings, once even calling it a sacrament, though evidently not in the strictest sense of the word.[2] But let the largest possible concession be made to those who hold that there were no ordinations by imposition of hands immediately after the Reformation, there are not eleven years between the time when the Book of Discipline could not approve of it and the time when Erskine says that it was the established custom. Assuming that there was a break during this interval, the circumstances were such as made it of little importance. The first Reformed ministers who were allowed to perform all ministerial functions, including ordination, were a small and select class, who in most cases had been clergymen before the change. For years their numbers were mostly recruited from the inferior and larger body of Readers, who also had in a vast proportion been clerics under the former system. Fourteen years after the Reformation the superior grade did not amount to 300 men. Such a body would necessarily be men of middle life or beyond it. If there were any among them unordained they must have been a mere handful. In Scotland the number of ordainers has never been limited. If a layman had to be ordained at the close of the eleventh year, his mission would not be invalidated by the presence among the assembled presbyters of one or two whose ordination was questionable. Ordination may have been resumed earlier than 1571, if it ever was abandoned. But the date might have been considerably later, and yet be early enough to prevent a severance between the old ministry and the new.

If as a matter of fact the continuity of ordination was preserved, as a matter of principle it was at first little thought of by many. Much stricter views prevailed by the time that the

[1] I 7. [2] "Com. First Timothy," iv. 14; "Instit." iv. 3, 9.

Second Book of Discipline was issued. But so late as 1597, when certain individuals and church courts gave their opinions on the subject, in answer to a question propounded by the King, it appears from Calderwood's reports of their replies that many still held it to be a matter of indifference. One instance of irregularity in practice at that date is well known. Bruce of Airth performed ministerial duties for years without ordination, till, much against his will, he received imposition of hands in 1598. Livingston's explanation is that a minister on a Communion day "entrapped him" by leaving the church before his duty was done, and putting the responsibility of finishing it or dismissing the congregation on Bruce, who, as an expectant, had been seated at the table. Having begun he continued, unwilling to acknowledge that his ministrations were invalid. Wodrow says: "It is the only instance of irregularity of this kind which I know of that is objected in this Church. . . . As practice in his case has never been improven by Presbyterians in Scotland, to any deviation from the reasonable and ordinary method of ordination of gospel ministers by imposition of hands, so I am of opinion that such a case as his will never occur again."[1]

Those who are interested in this matter are concerned not about the validity of their orders, but their nationality. They know that if it were necessary they could, as a last resort, fall back upon the English succession, which was repeatedly blended with the Scottish in later times. To prelatical ordination as such they are indifferent, but it carries what they consider requisite, the transmission of the ministerial character, through presbyters. They have, however, neither wish nor need to derive their mission from Italy through Augustine of Canterbury. They claim to represent the Celtic Christianity of Scotland, having its probable origin from the East, the cradle of the faith. Their belief is not disturbed by the possibility that, for a very few years at most, the Scottish Church neglected the visible sign of ordination, nor by her earlier association with Rome; for they remember that even Rome testifies to their own belief, that the presbyterate is the radical order of the ministry. She makes it the highest of her seven orders,

[1] "Life of Bruce," 14.

with the prelate no more than a variety of the presbyter, and the Pope of the prelate. To separate the prelate as absolutely from the presbyter as the presbyter from the deacon, is a provincial theory developed by local circumstances, held within narrow limits, and even there "nec semper, nec ubique, nec ab omnibus."

The *form of marriage* begins by requiring that banns shall be published three several days. It was not necessary that they should be Sundays. In this they followed the ancient custom, as the Church of England also did, till an Act of Parliament, in George II.'s time, specified three Sundays. It was common in Scotland to consign a sum of money in the hands of the parish authorities as a pledge that the contract thus announced would be fulfilled. In many cases the consignation money was not reclaimed, but left for the benefit of the poor. It has been said that when this became general, it came to be considered one of the dues of the Church, under the name of proclamation fees. Some of the Reformed Churches, like the Greek Church, had two separate services, one of betrothal and one of nuptials. Wheatley says that the first of these is represented by the two first questions in the English service, and, indeed, but for this reason they seem to be superfluous. There are occasional traces of some such formal contract or rite of espousals in Scotland.[1] The celebration of marriage was as much a public and ecclesiastical act as the proclamation of it. The Assembly of 1581 confirmed the injunctions of the Reformers by forbidding, in one comprehensive enactment, the private celebration of marriage or of either sacrament. To many the time of the earlier Scottish marriages will seem as startling as the place. The Common Order requires them to be celebrated before the sermon, and the Book of Discipline provides that it shall be on Sunday forenoon, and "on no day else without the consent of the whole ministry." These rules were strictly enforced without regard to the rank of the parties. There are several instances in which leading churchmen were rebuked for marrying in houses. The first relaxation of the law was by a statute of 1579, renewed in 1602, which allowed the ceremony to be on a week-day, if there was sermon and

[1] "Book of the Universal Kirk," 171, 343.

a sufficient congregation. It was not till the Westminster period that Sunday marriages were forbidden. It will be observed that in the marriage service there are no prayers, except a benediction at the close. The explanation may be, that as it was read when the reader's service was over and the minister's about to begin, his right of free prayer at that time enabled him to supply the deficiency. The great difference between the Scots and English was as to the use of the ring. Winzet, in 1563, says that "in some places the ring is still given."[1] But it was always objected to then and afterwards, on the broad principle that no ceremony ought to be imposed for which there was not scriptural warrant. In this case there was the additional aggravation that it was a pagan ceremony. Calderwood, however, intimates that as a social usage with no ecclesiastical authority or ritual significance attached to it, it would have been unopposed.

The provision made for the *burial of the dead* is contained in a single sentence, and even that is longer than the corresponding section of the original Genevan Book. It had required the minister, after the silent interment of the body, to go to the church and make some comfortable exhortation to the people touching death and resurrection. The Scottish Book adds: "If he be present and required." These words were not inserted till 1564, two years after the Assembly had ordered the Genevan Book to be used at funerals. It must have been their intention in 1562 that there should be a service in church, for that is the only positive injunction in the section. But the new clause, read in the light of the Book of Discipline, is plainly meant to discourage such services. That book dwells on the dangers which might attend them, and even hints that cemeteries had better be elsewhere than at the church. Some difference of opinion, however, is indicated by the following sentence in Spottiswoode's text, after singing, reading, and all ceremonies have been forbidden: "Yet we are not so precise in this, but that we are content that particular churches, with consent of the minister, do that which they shall find most fitting, as they will answer to God and the Assembly of the Universal Church within this realm." The

[1] Keith, iii. 466.

French Discipline was very stringent; it forbade not only prayers and sermons, but even "any dole of public alms." Cartwright and the early Puritans agreed with those Scots who disliked funeral sermons and churchyards. They also disapproved of mourning apparel and almsgiving. Their opinion was that the minister might be better employed than in attending funerals, and they were disposed to strengthen their position by appeals to the twenty-first chapter of Leviticus, forbidding the priests to be defiled for the dead.[1] Funeral sermons never found much favour in Scotland. There is, however, in the "Wodrow Miscellany," a simple and beautiful burial service, of uncertain date, which was used at Montrose. It consists of an exhortation, one of the prayers from the burial service of the Book of Edward, and one of Wedderburn's hymns.

The *form for fasting*, like that for ordination, was embodied in the book on the first occasion on which it was required, and remained as a guide for future use. It was drawn up by Knox and Craig, about the time of Rizzio's murder, for the first national fast ordered by the Church after the Reformation. It is distinguished by having special lessons appointed; by a time, not less than a quarter of an hour, being set apart in the middle of the service for prostration in silent prayer; and by the injunction that some at least of the prayers should be used without alteration. Strict directions are given, too, as to abstinence, showing that the modern sense of the word fast-day was unknown. Calderwood gives a vivid description of the public part of such a service held by the General Assembly in 1596.[2]

We have now examined so much of the Common Order as fixed the character of the Scottish worship for nearly a century. We have dwelt on the subject because, notwithstanding the changes which came at the end of that period, the continuity of usage was not broken. Having treated of its contents, we may notice one important omission, to which the Scottish Church has steadfastly adhered, with every national church in Europe against her. There is no recognition of the great *Christian festivals.* Among the Churches which cast off the Roman yoke there was a variety of opinion and practice on

[1] Whitgift's Works, iii. 361. [2] V. 406.

this question. The Lutherans and Anglicans retained many holidays in honour of departed saints, in addition to the annual commemoration of events on which all Christian belief rests—the nativity, passion, resurrection, and ascension of our Lord, and the descent of the Holy Ghost. The communions with which the Scottish Church was at one in government and worship made a distinction between the two classes of anniversaries, rejecting the one and retaining the other. There were hesitations and changes among them, and their ultimate decisions were not uniform. Some did not observe every one of these days, some added Circumcision and Epiphany. But the general principle was accepted as soon as usage was consolidated. It seemed at first that the Scots would go with their brethren. The Ordinance, to which we have so often referred, required the Book of Edward to be read on Sundays and *other festivals.* The expression was a vague one, but it certainly included the great festivals. In 1559 we find Willock and others of the leading Reformers celebrating Easter Communion in Angus. The first discordant note comes from the Book of Discipline. It includes among things repugnant to the gospel, "Keeping of holy days of certain saints commanded by man, such as be all those that the Papists have invented, as the feasts, as they term them, of the apostles, martyrs, virgins, of Christmas, Circumcision, Epiphany, Purification, and other fond feasts of our Lady, which things, because in God's Scripture they neither have commandment nor assurance, we judge them utterly to be abolished."

This professes to denounce only saints' days. No doubt a place is found in the list for Christmas and some other feasts in memory of our Lord's infancy, but it is as feasts in honour of the Virgin that they are forbidden. They do not venture to assail them in connection with Him, and the still greater feasts which are in His exclusive honour, Easter and the others, are not alluded to. In a later page of the book, however, Easter is mentioned: "Four times in the year we think sufficient to the administration of the Lord's Table, which we desire to be distincted that the superstitions of times may be avoided as far as may be; for your honours are not ignorant how superstitiously the people run to that action at Pasche,

even as if the time gave virtue to the sacrament, and how the rest of the whole year they are careless and negligent, as if it appertained not unto them but at that time only. We think therefore most expedient that the first Sunday of March be appointed for one time to that service, the first Sunday of June for another, the first Sunday of September for the third, the first Sunday of December for the fourth. We do not deny but any several kirk, for reasonable causes, may change the time and may minister oftener, but we study to repress superstition." Of Good Friday, Ascension, and Pentecost there is no mention; reference is made to Easter alone, and what is objected to is not the commemoration of the resurrection, but the celebration of the Communion on that day. The Reformers wished—though, as we have seen, in vain—to discourage the Romish custom of communicating once a year only. It would be impossible to carry out their purpose of teaching their people to communicate every three months, if they kept the date of the Communion, which till now had been considered the only one that was imperative. Communicants would flock to it as they had been used to do, and neglect the others. The only way to prevent this was to fix such dates as made it impossible for Easter and the Communion Sunday to fall on the same day. There was no attempt to guard against the sacrament coinciding with the other great Sunday festival of Pentecost, which could have been done by selecting the third Sunday of the months chosen.

The proposal seems never to have been carried out. The first three of these Sundays were kept in 1560 in Edinburgh, and that was before the Book was published. Neither there nor elsewhere has any other record of their observance been noticed. Though these two passages are not conclusive, they indicate a disposition in some quarters to set aside the festivals, followed up as they were by a very distinct expression of opinion from the Assembly of 1566. In that year the second Helvetic Confession was sent to Scotland to be approved, as it had been by other Reformed Churches. It contained the following passage:—"If churches, in right of their Christian liberty, commemorate religiously our Lord's nativity, circumcision, passion, and resurrection, with His ascension into heaven and the sending

of the Holy Ghost upon the disciples, we highly approve thereof. But feasts instituted in honour of men or angels we approve not." The answer was: "This Assembly would not allow the days dedicate to Christ—the Circumcision, Nativity, Passion, Resurrection, Ascension, and Pentecost days; but took exception against that part of the Confession." This was a step beyond the ground taken up in the Book of Discipline. Their next decision on the subject seems to retire from it. In 1570 this point was submitted to the Assembly: Whether the Communion may be ministered upon Pasche Day or not? The answer given was: Why not, where superstition is removed? Almost certainly Knox was in this Assembly, as his first serious illness did not come on till later in the year. His two close friends, Lawson and Craig, were on the small committee which sent up the reply. After this, till the end of the century, there is a succession of decisions on particular cases in which the festivals had been observed. They all evince a dread that these days might be used to foster superstition. They were associated with the old system in the memories of men, the cases were often from districts where the power of Rome was still strong, and they were mixed up with other irregularities. The Assembly's decisions may at first have been influenced by mere local or temporary dangers, but with the increase of precedents there grew a belief that the Reformed faith and the festivals could not exist together. Not that there was any statute law as yet to strengthen common law and common opinion. The Confession and the new Book of Discipline were silent on the subject. There is no such trenchant utterance as Cartwright's in England, that "if the days were as indifferent as they were made, yet being kept of the Papists, which are the enemies of God, they ought to be abolished." Many holidays continued to be known as dates fixing terms, markets, and merrymakings, and there was a list of them in the Common Order itself; but as days of religious observance they were forgotten. Calderwood, recording the events of 1609, when some Anglican fashions were introduced, says: "There was such keeping of Christmas as was not for thirty years," marking the date at which a stricter suppression of it had begun. Long after that time records of presbyteries tell of vigorous proceedings against

the ancient customs belonging to Yule and St. John's Day, the midwinter and midsummer holidays of the people. As if the first passage quoted from the Book of Discipline expressed the mind of the Church more truly than the second, the feeling against Christmas seems to have been stronger than against Easter. It was long the custom for the Assembly to sit on Christmas Day, and for the law courts long after that ceased. But Easter Communion was not uncommon. In the days before the Perth Articles, Patrick Simson had it "many times without scruple," till he saw that it was "to be a colour to advance the ceremonies." At a still later time we have confirmation of the fact in the journal of a Roman Catholic priest who came to Scotland on mission work in the early years of the Civil War. He describes his risks on a certain Easter Sunday when he was stealing away from Edinburgh to find his way northwards. In parish after parish between Leith and Stirling he was in dread of being observed and detected by the crowds who were gathering for the celebration of the Communion.[1]

One dominant opinion of our Reformers, which runs through all their writings on this class of subjects, was that the authority of the Church should never make anything imperative which had not the authority of Scripture. But their experience of festivals was that they were enforced not only by ecclesiastical power, but by civil law and social usage. The first required appropriate worship; the second, cessation of labour; and the last, merriment running into license. Their principles led them to resist this multiplied pressure upon conscience. Week-day festivals were therefore proscribed absolutely. But the Lord's Day was already a holy day, was sacred from work, and protected from license. If it happened to be Easter Sunday or Pentecost, the strictest could hardly say that there was a surrender of liberty in things indifferent, if any voluntarily connected the services of the day with the resurrection of the Saviour, or the mission of the Holy Spirit, or fixed on one of them as the day for administering the Lord's Supper. The question did not become a burning one till James VI. made the observance of the five great festivals one of the Articles of Perth. It is not to be wondered at that prejudice then deepened

[1] Blakhall's Narrative: Spalding Club.

into active hostility. It was plainly part of the scheme for forcing the Northern Church into conformity with the Southern which had been maturing ever since the union of the crowns. To ask the assent of the General Assembly was a mere form, for a proclamation had been issued seven months before that court met, ordering the observance of the days, and forbidding all work on pain of being treated as "rebellious persons, contemners of His Majesty and authority."

During these months further light had been thrown on the royal views and intentions on such matters by the first attempt to publish the Book of Sports. No doubt the Assembly of 1616 had enacted that there should be communion on Easter Sunday. But when the next Assembly was asked to sanction all the five days they delayed consideration of the subject. When the native ecclesiastical authority was thus defied by the civil power—acting, as it was believed, under foreign influence—the irritation of the country was so great that the Act, when wrung from the Assembly, was not enforced and very partially obeyed. When the opportunity came, twenty years afterwards, it was abrogated, and the observance of these days was for the first time distinctly forbidden by statute. After the Restoration few attempts were made to revive them. In this as in other things the Prelatists kept to the old ways of the Kirk. After the Revolution the dislike to the festivals, then more than a hundred years old, had become a fixed characteristic of the Scots, and remains, with some abatement, to the present time. Any change of opinion is mostly in favour of Christmas, the day most plainly denounced at the Reformation, while Easter, an anniversary of more assured date, more closely associated with the foundations of our belief, and looked on with greater tolerance by our fathers, is as yet little noticed. But the abhorrence once felt for all these days has greatly diminished. Thoughtful men see that the other national churches, which were reformed on the same model, have retained them without being brought nearer to Rome. The people at large are necessarily becoming familiar with them as intercourse with England increases. They are also becoming conscious of a deficiency in our system of worship begun long ago when daily prayers ceased in our churches, and now being

completed by our giving up week-day services at Communion seasons. Soon perhaps the void may be in part supplied by the great festivals in honour of the Son and Holy Spirit.

Before concluding this review of our worship during the first period after the Reformation, it may be interesting to trace to its origin that divergence of opinion in the Churches of Scotland and England as to the relative importance of worship and instruction, which tends so much to keep them apart. It might have been expected that dividing between them one narrow island, speaking one tongue, having the dates of their final Reformation separated by only a few months, using for a short time the same service-book, and having for a longer period what is now called mutual eligibility among their clergy, they would not differ much, and that their differences would tend to disappear. A difference in church government does not adequately account for it; for among ourselves the same form of worship was found equally suitable for the Presbytery of Andrew Melville's time and the Episcopacy of the Restoration, the second being perhaps a degree less liturgical than the first. In 1560 England was less prelatical, Scotland less presbyterian than at either of these eras. There could be no impassable gulf between them at a time when the General Assembly of the one church sent for a Leicestershire rector to occupy the Moderator's chair, and the Primate of the other licensed an East Lothian minister to preach throughout his province, because he had been ordained "according to the laudable form and rite of the Reformed Church of Scotland." If the two communions have come to be distinguished as the Preaching Church and the Praying Church, theories of church government do not account for it. It is partly, though not wholly, explained by a corresponding difference between the two service-books, of which Scotland having tried and rejected one, adopted the other. The Common Order gives a marked prominence to the ordinance of preaching. The sermon is not an occasional adjunct to the service. Without it other ordinances are incomplete: some of them are hardly valid. "Neither judge we that the sacraments can be rightly ministered by him in whose mouth God hath put no sermon of exhortation," says the Book of Discipline; and one of the standing arguments against private com-

munion and baptism was that they were disconnected from the preaching of the word. Marriage was to be celebrated at the time of sermon. In the Book of Geneva, as the Scots first knew it, a sermon followed the burial of the dead.

These things gave the sermon prominence, but hardly pre-eminence. We must refer this not only to the Book, but to the persons who in process of time used the Book. It is common to confound two classes of men who bore the same name, the one in the age of the Reformation, the other in the generations following. It must be remembered that a vast body of the old clergy accepted the Reformation. It has been said that there were in the country 4000 ecclesiastics of various ranks and orders. Those who would not submit to the change had no alternative but to fly or conceal themselves. Of the rest, such as held preferment had two-thirds of their livings secured to them. Of these, and of the unendowed clergy and the regulars, there were many willing to serve under the new *régime*. In 1571 it was reported to the Convention of Leith, that of the old chapter of Glasgow there were six "ministers professors of the true religion," and of the chapter of St. Andrews no fewer than fourteen. In 1573 the Regent, writing to the General Assembly, said:—"Seeing the most part of the persons who were canons, monks, or friars within this realm, have made profession of the true religion, it is therefore thought meet that it be enjoined to them to pass and serve as readers, at the places where they shall be appointed." The lack was not of men but of means, so unsparing had been the plunder of church property by both parties. Those with whom it lay to make selections from among the conforming clergy, and assign their spheres of work, desired before everything to have the people enlightened. The private meetings and exercises were doing much, but a preaching ministry was needed, which could not only speak of duties and doctrines known before, but teach to an unlearned people things new as well as old. But few of the clergy had been trained to preach. Some of these who heartily embraced the Reformation were settled in the great towns; others were sent to itinerate as evangelists, with a general supervision over a cluster of parishes. Their connection with the separate congregations was necessarily slight. These depended for the

common ordinances of religion on a class of resident incumbents, who read the liturgy and Scriptures in church, and performed other pastoral duties during the week. They were called Readers, a name familiar to the people as belonging to one of the orders of the Roman Church. It was not imperative that they should have been ordained, but they received formal collation from the superintendent. All evidence goes to prove that as a rule they had been of the clergy before, and were not merely, in the words of Dr. M'Crie, "certain pious persons who had received a common education"—a very rare advantage in pre-Reformation days. Sometimes the old incumbent continued to minister to his flock; sometimes the office was held by a brother from some suppressed monastery near. Their position was by no means so humble as it has often been represented to be. In the eyes of their parishioners they must have held much the same status as the vicars who had been serving 700 of the parishes of Scotland, that the greater tithes might go to swell the revenues of chapters and religious houses. The Provincial Council of 1559 had fixed as an adequate provision for a curate twenty merks in the northern dioceses, and twenty-four in the others. It need hardly be said that curates meant resident clergy in general, as it does in the English Prayer-book.

The Book of Discipline requires for a reader forty merks, and the Leith Convention provided that they might be beneficed in all vicarages up to the value of forty pounds. Of late years two lists have been published, containing the names and emoluments of the readers who were officiating throughout Scotland in 1567 and 1574. From the wreck of church property the full amount of forty merks is not often reached; but on the other hand the curate's minimum of twenty is generally exceeded. Many are said to have the vicar's tithes, and a large proportion hold the kirk lands of the parish in addition. Now and then accidental references are made elsewhere to readers as vicars. The man who in one of the above lists appears as reader at Inchinnan, is mentioned in the Glasgow session records under his old style, as one of the "Pope's knights," Sir Bernard Peebles, vicar of the parish. Wodrow the historian claims as his ancestor Patrick Woodruif, vicar of Eaglesham at the Reformation. He is entered in the list as reader

there. The Assembly of 1563 includes readers in an injunction to all who had manses to reside in them, that the people might not want "the continual comfort which their presence should give by mutual conference of the minister with his flock." And the Book of Discipline requires that "to the ministers, and failing thereof the readers, must be restored their manses and glebes, for else they cannot serve nor attend their flocks at all times." A readership was therefore not beneath the acceptance of the old clergy, and their position was that of incumbents who, like their predecessors, did not preach. But they were encouraged to qualify themselves for this duty also, that they might be advanced either to the full ministry or to the office of the exhorter, who was allowed to expound Scripture, to baptize, and to marry. There are cases recorded from time to time in which readers ventured to celebrate these ordinances, and even the Communion. The decisions given by the Assembly are not quite uniform, but they seem to be ruled by the general principle, that the sacraments and marriage ought to be joined to the preaching of the word. There is not a hint of wishing to apply to these offenders the other principle laid down in the Book of Discipline, that death was the merited penalty for those who ministered sacraments "without all vocation." It is easy to understand how such an irregularity would be committed in a case where the reader was a clergyman, and long intervals passed without a visit from the preaching minister under whose supervision the parish was. It was reported to the Assembly of 1569 that at Falkirk and at Whitekirk the people had not received the sacraments since the Reformation, nor heard the word twice preached.

It was some time before the Church saw a trained preacher in every parish. Colleges for their education had to be founded or remodelled. Endowments for their better support had to be reclaimed. Gradually, as the readers of the first generation died or were removed, resident ministers took their place. But by this time the office had been found too useful to be dispensed with. Wherever they were competent they had acted as teachers of the young. When the minister of the district came to preach, the reader probably read the liturgy and lessons, as on other Sundays, before his superior mounted the pulpit.

The function had thus come to be considered a secondary one, and the new minister was not unwilling that he should be relieved of it by the person who succeeded the old priest-reader in his secular duties. A new class of readers thus came into existence with the same name, but a different position. They were no longer collated by the superintendent, drawers of the teind, occupants of manse and glebe, the local representatives of the Church. If the parish did not provide a reader, the minister might take the first service himself; but if there was a reader, it lay with him to read prayers and Scripture, till the moment came when the minister and part of the congregation entered the church for the first time. The conceived prayer and sermon that followed were magnified in popular estimation. The more familiar service from a subordinate sank in the same degree. The time came when it was not uncommon to omit the prayers, and Scripture only was read while the people were assembling, and in this form the reader's service lingered in some places till the present century. Now the only memorials of the reader and his work are the name of lettern given to the place from which he read, and the proclamation of banns by the "taker-up of the psalm."

Out of all this grew that disproportioned regard for the Church as a teaching institute which Scotsmen share with Rome, and which expresses itself in their common speech when they talk of going to sermon, not to service, to hear such a minister, not to worship God, and when they describe the Holy Communion as the Preachings.

In England, from the first, the current of events set in in an opposite direction. The many who wished to outrun the gradual and regulated course of reform favoured by the Court, found among the clergy leaders of eloquence and fervour. To lessen their influence, the right of preaching was subjected to strict control. Such men as were "apt to teach" must have a license, and that was sparingly allowed. Half a dozen accredited preachers were supposed to be sufficient provision for the wants of a county or diocese. For the rest it was enough if they read at the close of service one of the authorized homilies. At first some such state of things was unavoidable in both countries, but there was not the same eager desire in

England as in Scotland to have the number of preachers multiplied. And yet there it would have been easier, from the greater wealth of the universities and the better protected endowments of the Church. As the incumbents died out who had passed through the crisis of the Reformation, successors were appointed who, like them, looked on preaching as a superfluous or unattainable accomplishment. When the public duties of the holy office were so easy, many were ordained whose antecedents had allowed no preparation for it. But they were clergymen. They had no resident superior to whom they must surrender the ministration of the sacraments and the duty of public instruction. The Prayer Book could not fall into disrepute, as the Common Order did, from being generally seen in the hands of a lay official. The sermon was only an occasional privilege; and the homilies, excellent in their way, were not likely to develop in the people a taste for the eloquence of the pulpit. And so in the course of generations there grew that feeling of reverence for the book as the embodiment of worship, which to an Englishman seems so natural, and to Scotsmen so incomprehensible. England has had many noble preachers, but preaching has never been the strong point of her clergy as a body. When their numbers are considered, it is remarkable how few in each of the past generations are remembered as masters of eloquence, such as France has liberally produced. Learning has been their claim to eminence more than the power of swaying multitudes by the living voice; and often it has been the learning of the schoolmaster, rather than of the divine.

When the opinions and customs of our fathers had been consolidated after the Reformation, there was little change till the next great ecclesiastical upheaval, in 1638. Considerable liberty was allowed to ministers in the use of the Common Order, and they largely availed themselves of their right; but the book itself was jealously guarded from change. A proposal to revise it was made in 1601, but the Assembly forbade all alterations, though it was ready to permit well-considered additions. It must have been in constant circulation when, in 1602, the inventory of an Edinburgh bookseller, by no means the best known at the present day, contained 2000 copies of it. Minis-

ters seldom read the daily prayers, and their deputies, the readers, were not permitted to change them. As to the offices for the sacraments and marriage, Scot of Cupar, one of the most unyielding champions of Presbytery, says that they were continued "till the declining of the Kirk," by which he meant the aggressions of Prelacy. Calderwood, equally stanch on the same side, had not used them for thirteen years. Two feelings were in the minds of men as to the book. Patriotism made them keep it in its integrity as a badge of Scottish nationality. But there was also their favourite doctrine, that the voice of authority was not imperative as to things neither enjoined nor forbidden by a higher law. Therefore the book was printed without change, and used with constant change. But the time was now come when their doctrine as to things indifferent had another principle opposed to it, thus neatly formulated by King James: "The bishops must rule the ministers, and the king rule both in matters indifferent and not repugnant to the Word of God."[1] While Scotland was a separate kingdom, a native king sitting in her Parliaments and Assemblies, busying himself in all her affairs, could carry out this ideal with considerable success. But the case was different when he succeeded to another crown and made his home in a foreign capital. The feeling of nationality became more sensitive and exacting. Every encroachment on the part of a sovereign no more seen, surrounded by new counsellors, and accepted as head of the National Church in his new dominion, would be watched and withstood. The astute course, with the ends which he had in view, would have been studiously to avoid the appearance of imposing on the Scots any English usages till time and common interests had softened old hatreds and formed new sympathies. But after his migration to England, there was no cessation in his efforts to secure and exercise supremacy over the Scottish Church, that he might mould her after the English model. Having with difficulty imposed upon her an Anglican episcopate, his next advance was to modify her worship. After a contest lasting through several Assemblies, held in provincial towns, five usages were sanctioned, all opposed to existing custom, and borrowed from the practice of England. These

[1] Spottiswoode, iii. 241.

were: kneeling at the Communion, the private ministration of both sacraments, confirmation, and the observance of the great festivals. Nothing could have been better devised to rouse the spirit of a proud nation than the grounds on which these changes were demanded and conceded at Perth. The Dean of Winchester entered the Assembly, and read and recommended as best he could a royal letter, containing such sentiments as these: "The greater content there is amongst yourselves the greater is our contentment. But we will not have you to think that matters proponed by us of that nature whereof these articles are, may not without such a general consent be enjoined by our authority; this were a misknowing of your places, and withal a disclaiming of that innate power which we have by our calling from God, by the which we have place to dispose of things external in the Church as we shall think them to be convenient and profitable for advancing true religion amongst our subjects. Therefore let it be your care by all manner of wise and discreet persuasions, to induce them to an obedient yielding unto these things, as in duty both to God and us they are bound; and do not think that we will be satisfied with refuses, or delays, or mitigations, and we know not what other shifts have been proponed; for we will content ourselves with nothing but with a simple and direct acceptation of these Articles in the form by us sent unto you," &c.[1] Packed, influenced, and browbeaten as the Assembly was, there was stout resistance. Even the Primate, both in his sermon and from the chair, admitted that he disliked the Articles, and that but for the royal order he would have opposed them. Upwards of forty clergy did, and such was the feeling throughout the country that the disastrous victory could not be followed up. Two-thirds of the congregations refused to receive the sacrament on their knees. King James, who knew his countrymen of old, was able to read the signs of the times. He saw that he had built too much upon his success in introducing an Anglican episcopate. To the ordinary Scotsman of that day it was of secondary moment who presided at synods and ordinations in the cathedral town, which he seldom entered, or that the bishop rode up the High Street among the Estates of Scotland when

[1] "Book of the Universal Kirk," 1146.

the Parliament met, or was in some vague way associated with the lawyers in registering the laird's will. To himself the Church was what it had always been. The Kirk Session and Presbytery met and did their old duties in the old way; the worship and the doctrine were the same that he had known from childhood. But his composure was disturbed when he was told that orders had come from London that he must kneel like an Englishman beside the holy table, instead of sitting there as Christ's guest. King James saw that he had better not press the controversy further. Parliament was given to understand, through the Marquis of Hamilton, "that the Church should not be urged with any more novations." Such as conformed to the Perth Articles stood higher in the King's favour, but the others were gently dealt with. It would have been well if the lesson had been remembered twenty years after.

Had the Articles come from a different source, and, like many of the *agenda* in the old book, been recommended rather than ordered, their reception might have been different. The travelled clergy had been familiar with some of them when they lived or served among the Dutch and French Reformed, with whom the Scottish Church was in full communion. One of the grievances of the minority at Perth was that they were not allowed to vote on them one by one, which implies that some would have found more favour than others. Indeed all except that which ordered the communicant to kneel had virtually been allowed by the preceding Assemblies at Aberdeen and St. Andrews. Against it the feeling was most intense, and the feeling for it not strong. Even Bishop Lindsay, one of the royal champions at the Assembly, and afterwards its historian, said in debate—"On my conscience I neither know Scripture, reason, nor antiquity that enforceth kneeling, sitting, standing, or passing. . . . I judge yielding to his Highness' desire to be the only best." Later experience shows that the people would have been only too ready to welcome back the Romish custom of private baptism. The receiving of the Communion in private was necessarily optional, and any grievance would be not a lay but a clerical one, when it was sought from a minister whose conscience forbade him to administer it. As to confirmation, no objection was likely to be made against a formal

owning of their baptismal vows by young persons before their first Communion. Calvin had approved of it.[1] The question at issue was, who should receive them? The Aberdeen Assembly two years before held that the parochial bishop could confirm as well as the diocesan, as has been the usage in the Greek Church, and occasionally, it is said, by delegation, in the Anglican. With the example of the foreign Churches before their eyes, the Scots might have admitted the permissive observance of the five festivals, even the week-days, Christmas, Good Friday, and Ascension. But a royal fiat commanding their observance, though registered by a subservient Assembly, was resented as an intrusion on the domain of conscience. The actual result was a drawn battle between the King and the country: the one retired in nominal triumph, the other kept its ground.

No breach in the unity of the Church followed, for the modern custom of erecting a new sect in perpetual memory of an old quarrel was as yet not understood in Scotland. No marked change passed over the national worship. Some there was, as had always been the case, and the rate of movement was a little faster than before. There was a widening difference between the National and the Court parties. Some began to depreciate old customs when they found that they were also English; some were disposed to introduce changes because they were English. On the occasion of royal visits surplices were seen and organs heard. English prayers were used not only then, but in colleges, and in the cathedrals of some of the rash young bishops, who hastened the outbreak of 1637. Different districts leant to different sides. Within recognized limits there was a manifest distinction between the worship of Ayrshire and that of Aberdeenshire. There was much party spirit, more dangerous probably than it would have been had annual meetings of Assembly provided an outlet for it, as in the older time. Still there was a nominal uniformity in worship as there was in government and creed, and though the first period of the Reformed Church's history was drawing to a close, there was little to forewarn men of the revolution that was at hand.

[1] "Instit.," iv. 194.

During this period, however, measures were being quietly taken to further King James's design of "making that stubborn Kirk stoop more to the English pattern." Politicians and ecclesiastics were busy about it, though the public knew little of what was going on. The full particulars have only lately come to light. Had the Perth Articles been accepted as tamely as the King expected, that change was to have been followed up by another. The Common Order was to be displaced by a new liturgy more nearly allied to the English service-book. This scheme took form at Spottiswoode's accession to the primacy in 1615. The first step towards carrying it was an instruction sent by the King to the Assembly of 1616, which, in accordance with his wishes, enacted as follows:—"That a uniform order of liturgy or divine service be set down to be read in all kirks on the ordinary days of prayer, and every Sabbath-day before the sermon, to the end the common people may be acquainted therewith, and by custom may learn to serve God rightly. And to this intent the Assembly has appointed the saids Mr. Patrick Galloway, Mr. Peter Ewat, Mr. John Adamson, and Mr. William Erskine, minister at [Denino], to revise the Book of Common Prayers contained in the Psalm Book, and to set down a common form of ordinary service to be used in all time hereafter; which shall be used in all time of Common Prayers (in all kirks where there is exercise of Common Prayers), as likewise by the minister before the sermon where there is no reader." Though no doubt ulterior views were in the mind of the King, the ostensible object of this injunction was to discourage the growing opinion that liturgical prayers were only fit to be read and joined in by lay persons. Orders were issued at the same time for the preparation of a confession, catechism, and canons. The persons chosen to revise the liturgy represented fairly the different sides in the Church. Hewitt and Erskine were of that party who opposed the Court. It has always been known that the work was taken up, that a form of service was prepared, and that negotiations connected with it were carried on at intervals between Edinburgh and London. But a flood of light has been thrown on the subject by the publication of Dr. Sprott's "Liturgies of the Reign of James VI." He has

collected and arranged a mass of information illustrating this obscure corner of history, and has patiently traced the stages by which the moderate revision first intended was altered and then laid aside to make way for the liturgy of 1637.

The book contains two services. One is believed to be the work of Hewitt, and to have been rejected. It contains no more than the service for daily prayer. It begins with introductory sentences of Scripture, followed by a prayer of confession, the ninety-second Psalm, read or sung, a shorter prayer, ending with the Lord's Prayer, and thereafter a Gospel and Epistle. Afterwards another prayer is said, another psalm read, and the Creed recited. The concluding prayer of intercession is of greater length than the three earlier prayers together. All of them are evidently written by the compiler himself, and are favourable specimens of the devotional compositions of that age. The prayers of the Common Order are retained as alternative forms, but with some omitted which had too exclusive reference to the age in which they were first published. The more important service is that which the committee seems to have adopted and presented as the result of its labours. The material of the Common Order is to a considerable extent retained, in combination with much taken from the English liturgy. But all peculiarities in it likely to be offensive to the Scots are avoided. There is no mention of vestments, of the cross in baptism, or the ring in marriage. Such changes were introduced as the Perth Articles made necessary. The Anglican element preponderated in the sacramental services and in the morning daily prayer much more than in the evening. There are hardly any responses. There is a special service for Sunday, in which more is conceded to Scottish custom than in some other parts of the book. A rubric in it preserves the memory of an old usage: "It was the ancient custom of our Church, upon the Sundays at afternoon, to sing the 119th Psalm, which we think best to be still retained in use, by singing a section of the same before sermon and another after." Burial service is barely permitted. A lectionary is introduced and also a simple catechism for the young, in accordance with the Assembly's ordinance. The care that is taken to preserve the language of much of the Common Order shows

how familiar it was to the ears and dear to the hearts of the Scots. It could not have been the neglected and forgotten manual that some represent it to be. Two of its prayers in the Sunday service are preceded by the words: "One of these confessions following, wherewith the people is accustomed, to be used." On the whole it was an order not likely to arouse opposition, if it had come spontaneously from the Church. As soon as it was completed it seems to have been sent to London. A license was granted to an Edinburgh printer, giving him the monopoly of its publication. But delay seemed advisable when difficulty was found in obtaining the assent of Assembly and Parliament to the Five Articles. The result was that the publication was indefinitely postponed, and the project was allowed to sleep till Charles I. had been for some years on the throne. In 1629 the draft was again sent to London for review. The manuscript from which the print in Dr. Sprott's work is taken has some amendments written into it, some with an English, some with a Scottish bias, and there seems every reason to believe that it is the very document which Laud on the one hand, and some of the Scottish bishops on the other, had under their united consideration. The conference ended in Laud's advising the King to impose on Scotland the English liturgy pure and simple. The Scottish divines knew what risks this involved, and the liturgy of compromise was laid aside, to be seen no more till our own day. The subject was taken up a third time when Charles, with Laud in his train, came to Scotland to be crowned in 1633. As before, the alternatives considered were—the English liturgy or a distinctive Scottish one. The King, after his return to London, announced his decision to the Archbishop of St. Andrews. A liturgy was to be framed "as near as can be to this of England." Its preparation was the work of years. Laud's determination seems to have been, that since his plan of making the books the same was defeated, the differences should not be approximations to the Scottish worship, but changes in another direction; and to a great extent he had his will. The final revision was virtually his, and then it was sent down with orders that it should be at once adopted. It found the nation already sufficiently irritated by the Book of Canons, a substitute for

the old Books of Discipline, which had preceded it by a few months.

The liturgy of 1637 is now little known in Scotland, but it was the occasion of such momentous changes in our history that it cannot be dismissed in a sentence. In the greater part of it it carried out the King's desire that it should be framed "as near as may be" after the model of the English. To those who compare it with the English book of to-day the resemblance appears closer than it then was, for some of its novelties were embodied in the other after the Restoration. Still there remain some marked differences. The English word *priest*, which had come to be the equivalent at pleasure of either the *presbyter* or the *sacerdos* of antiquity, became more exact in meaning by being brought back to its primitive form of presbyter. Apocryphal Scripture all but disappeared. King James's version of the canonical Scripture was everywhere used, to the exclusion both of the Genevan, with which the Scots were most familiar, and Coverdale's version in the English liturgy. But by far the greatest difference was in the Communion office. The presenting of offerings at the table was substituted for the then English custom of putting them into the poor-box. The presbyter was to "offer up and place" the elements on the table. At that time there was nothing corresponding to this in the other book. The English prayer for the Church militant ended then with the petitions for those in adversity. It was no more than the beginning of the prayer which in the First Book of Edward stood before the consecration and ended with the commemoration of the departed and direct prayer for them. The commemoration without the intercession was now restored. When the consecration prayer was reached the most important changes began. The rubric required that the presbyter "during the time of consecration shall stand at such a part of the holy table where he may with the more ease and decency use both his hands." Both then in Scotland and in England after the Restoration, when a sentence to the same purpose was inserted, it was argued that this had little meaning unless it were meant to allow the eastward position. Its ambiguity has been proved by the

always-beginning, never-ending disputes as to its import in the present day. There is no doubt what Laud intended it to mean, for the Scottish rubric as he drafted it ran thus:— "Shall stand in the midst before the altar that he may with the more ease use both his hands, which he cannot so conveniently do standing at the north side of it." Then followed the prayer of consecration, of which the words immediately before the words of institution ran thus: "Hear us, O merciful Father, we most humbly beseech Thee, [and of Thy almighty goodness vouchsafe so to bless and sanctify with Thy Word and Holy Spirit these thy gifts and creatures of bread and wine that they may be unto us the body and blood of Thy most dearly beloved Son]; so that we, receiving them according to Thy Son our Saviour Jesus Christ's holy institution, in remembrance of His death and passion, may be partakers of the same, His most precious body and blood, who in the night," &c. The words within brackets are not in the present English prayer, but are those which in the First Book of Edward were at once followed by the words of institution. But in the Scottish book, the presbyter, instead of at once administering the Communion, continued with "the memorial or prayer of oblation," as the Book of Edward had done, ending with the Lord's Prayer. The words of administration were also those used in Edward's book; that is, they were the first only of the present English sentences.

In one respect the Scottish book protested more distinctly against Roman teaching than the English does. The ancient liturgies never wanted an invocation of the Holy Spirit's blessing on the elements. Rome had suppressed it that there might be nothing to disturb her dogma, that the whispered words, "hoc est enim corpus meum," &c., made the sacrament. The Easterns, on the contrary, held that these words, though necessary, were not sufficient without the Spirit's blessing invoked in prayer. However superstitious may have been their belief as to what was done in answer to the invocation, their view was not so utterly material as that of Rome. The compilers of Edward's First Book so far returned to primitive usage as to insert before the words of institution a reference to the Holy Spirit, though less distinct than was usual in the old liturgies. But

in the Second Book, as in the present, and in the Common Order, this was wanting. A feeling seems to have pervaded all sections of the Scottish Church, that their form of merely offering thanks was deficient. Calderwood speaks of benediction as a rite without which the sacrament is invalid.[1] Row, describing an Easter Communion celebrated by one of the opposite party, speaks of "the prayer of consecration, wherein there is not one word of 'Lord bless the elements or action.'"[2] Maxwell, bishop of Ross, writing anonymously in England after his deprivation, says: "For ought I know there is no consecration used by them in that holy action."[3]

Whether any concession to Scottish opinion was intended or not, the change made at this point from the English form was a testimony against Rome. And yet it is incomplete. The principle that the words alone are the essence of the sacrament seems to be admitted elsewhere in both the English and Scottish offices, for in both a rubric provides that when a second consecration is necessary a repetition of the words in 1 Cor. xi. without invocation is enough. This Oriental element introduced into the consecration prayer did not conciliate the Scots. The hard literalism of the Roman doctrine as to a material change in the elements might lurk behind a non-Roman opinion as to the means and moment of the change. It was noticed that both at the invocation and at the administration the words of the missal were retained, with alterations indeed, but not such as came nearer to Reformed doctrine. The Roman prayer asks that "this oblation may be made unto us the body and blood," the Scottish that the "bread and wine may be unto us," &c. In the Roman form the sacrament is given thus: "The body of the Lord Jesus Christ preserve thy soul to everlasting life;" in the English: "The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life." There was a return to early usage in the place given to the Lord's Prayer, which, perfect always, is never fuller of significance than at the moment before the Communion is dispensed. It cannot be thus used after consecration and before Communion without seeming to testify against transubstantiation in "Give us this day our daily

[1] "Alt. Dam.," 520. [2] Ibid., 331. [3] "Burden of Issachar," 5.

bread." There is said to have been a time in the earlier ages when it alone formed the consecration prayer. The whole office, notwithstanding its variations from Rome, paid little respect to Scottish custom and feeling. Its purpose seemed to be to restore as much as was possible of the Prayer-book of 1549, the disuse of which has always been regretted by extreme Anglicans. The Scots felt that they were being treated on the principle, "Fiat experimentum in corpore vili," and rejected the nostrum accordingly.

Some at the present day suppose that the Communion office of 1637 is the same as is now in occasional use among Episcopalians in Scotland. This dates only from the reign of George III. It is constructed from the same materials as the Anglican and the book of 1637, but in a different order from either. More plainly than they do it opposes the Roman belief that the Scripture words alone make the sacrament, for it invokes the Spirit's presence after both they and the prayer of oblation have been spoken, and when a second consecration is necessary it repeats the invocation as well as the institution. But at another point it is more Roman than Rome herself. Instead of "May be made unto us the body and blood," it reads: "May become the body and blood."

At the first attempt to use the new service-book in St. Giles', the impending storm broke. Like the Porteous affair a hundred years later, it seemed to be a spontaneous outburst of popular indignation, but as in that case, traditions of secret preparations for it long lingered in the city. One of the Stewarts of Coltness, excellent authorities on such a subject, told Wodrow that it was "the constantly believed tradition" that many of the female rioters were prentices in disguise, and that the first stool was thrown by the wife of John Mein, merchant in Edinburgh. If this was, as is probably meant, the well-known leader of those burgesses who opposed the Court, his wife was closely connected by marriage with Blair and Livingston, and a more substantial figure in history than the shadowy Jenny Geddes.[1] The country followed the example of the capital. Before long the Covenant in a new form was proclaimed, the Assembly revived, the Perth Articles abrogated, and the Epis-

[1] "Analecta," i. 64.

copate abolished. Partisans who in anticipation of the coming service-book had been introducing Anglican novelties, were fortunate if their premature action did not lead to processes of deposition. "All we have been doing these thirty years past is thrown down at once," said the Primate. But among the body of the clergy there was little alteration in the form of worship. Still any visible movement was necessarily in the direction of unliturgical services, since extremes on the one side were sharply checked, and those on the other had free scope. Men's minds were full of the subject, busy pens were at work on it, and all the discussions were intensified by the feeling of outraged nationality. It breathes in the titles of the books that came from the press. Baillie, who was in Episcopal orders; who in the first of his interesting letters, written when the great drama is beginning, says, "Bishops I love;" and who never came to be in full sympathy with the strong re-action going on around him, most keenly assailed the alien ritual in his "Canterburian's Self-conviction." George Gillespie, a man of the new time, caught the same keynote when he named his contribution to the controversy, the "English-Popish Ceremonies." And the great storehouse of fact and argument now, as for fifteen years before, was Calderwood's "Altare Damascenum." He called it so to point a parallel between the events of the time and the scriptural story of Ahaz, who, admiring the altar which he saw when he went to Damascus, sent a pattern of it to Jerusalem that such another might be set up in the temple.

Many think of Calderwood as no more than a painstaking compiler of chronicles. If his great work were better known, he would hold some such place in relation to Scottish ecclesiastical polity as has been conceded to Hooker in the South. He wrote it smarting under the sentence which had driven him from his flock and his country, and carried some opinions further than most of his countrymen were ready to follow him. But when his views triumphed, the old man, repelled by the excesses which grew out of them, fell back on the memories of youth, and, sturdy Scotsman always, assailed the new-fangled importations of English sectarianism as fearlessly as he had battled with the encroachments of James.

The interest awakened by these discussions on worship did not die out when the new liturgy had been rejected. It was not long before the victors were at war among themselves. Soon after the Glasgow Assembly, at the same time as the Independents began to appear as an organized force in England, a party began to organize itself in Scotland, which even then had something in common with them, and was in closer alliance with them afterwards. Its principles have so much influenced the history of our country that it is well to trace its origin. From the earlier years of the century, a stream of Scottish emigrants had been pouring from the south-western counties into Ulster, still the home of their descendants. While the long contest about Episcopacy and the Perth Articles was going on, ministers whose opinions were furthest from those of the sovereign, sometimes crossed to Ireland. They found a Reformed episcopate there as well as in Scotland, but they, as foreigners ministering to their compatriots, were tolerated as French or Walloon ministers were in London. Sometimes they were allowed to share the temporalities of the Irish Church. They came from a strongly Protestant district. Their Protestantism became more uncompromising in their new home, with Popery as a visible and powerful enemy. There was in the north of Ireland an element of English Puritanism of a pronounced type. The whole community were more dependent on private religious exercises than they had been in Scotland under the complete parochial system now settled there. Under all these influences their religion took something both of the form and spirit of Congregationalism. From time to time a new adherent came from the other side in the shape of a minister or preacher who had been in collision with the Archbishop of Glasgow or Bishop of Galloway. But of late years the Irish bishops too had become strict, and Ireland was not the secure refuge that it had been. Some of them returned home again. These were marked men, for whom there was no preferment. They lived as best they could, doing much Christian work, and winning the respect which is readily yielded to zeal and constancy. The views which they had adopted in Ireland as to the forms and principles of worship found favour with the people. When Episcopacy fell, the bar to their employment in the ministry was removed.

The nucleus of a party was formed. The older ministers found themselves confronted in church courts with opinions familiar to England and Ireland, but heretofore hardly discernible in Scotland. The tendency of such movements is to choose as party badges some of the details of worship. Soon it came to be understood that one of the new school was to be known by his refusing to kneel for private devotion on entering the pulpit, by not saying the Lord's Prayer, by not having the Doxology sung at the end of a psalm, by administering baptism without the Creed, by arguing against set forms of prayer, and generally by an indifference to all rules of ceremonial, however simple. The greatest name among their supporters was that of Samuel Rutherford, who, though not a Westland man by origin, as a Galloway minister was in constant intercourse with them. They had also the sympathy of the young Gillespie. On the other side were Henderson, Douglas, Calderwood, and Baillie. The two parties came into open collision at the Assembly of 1640, when Henry Guthrie, minister of Stirling, took proceedings against a certain Laird of Leckie, lately resident in Ireland, a great promoter of private meetings, and still remembered as the man who pronounced the Lord's Prayer to be a "threadbare prayer." After long discussions the controversy was stifled for the moment. But the new practices were continued on the one side and opposed on the other.

At this moment a question of wider interest arose. Scotland was not satisfied with having defeated the aggressions of England. Events had occurred which awakened the hope of her being able to impose her own form of ecclesiasticism on her neighbour. The war between Charles and the Long Parliament had begun. The interests of the Crown and Church of England were so interwoven that to oppose the one was to assail the other, and men began to speak of bringing in something like the church system of Scotland. Certain divines made advances to the General Assembly, asking for the benefit of their experienced counsel. The advice wished was not so much how to establish Presbytery as how to curb the rising power of Independency, "and that so much the rather because we sometimes hear from those of the aforesaid judgment,

that some famous and eminent brethren, even among yourselves, do somewhat incline unto an approbation of that form of government." The General Assembly, like other people, did not like to have their domestic differences commented on by strangers. They officially denied the existence of any such leaven among them, and assured their correspondents that church courts like their own would purge England of it. They suggested further, an alliance between the two Churches on the basis of common standards. As the proposal was Henderson's, he was urged by his brethren to take the first steps. But he soon abandoned the attempt, pleading want of time and strength, and the propriety of acting in concert with the other two kingdoms. He adds, "Nor could I take it upon me to set down other forms of prayer than we have in our Psalm Book, penned by our great and divine Reformers."[1] The proposal, however, found favour in England, and the celebrated Westminster Assembly was convoked by the Parliament in June, 1643. The Scottish Assembly was invited, at its meeting in August, to send up assessors to help their deliberations. They did so, but at the same time ordered a Directory of Worship to be drawn up for their own use. Their object seems to have been to heal the breaches made by the innovations of the Irish party. In the debate Nevay is found assailing the Lord's Prayer, and Rutherford proposing to give up the Doxology and the minister's silent devotion, called "bowing in the pulpit."

The commissioners chosen for Westminster were Douglas, Henderson, Rutherford, Baillie, and George Gillespie, as ministers, with the Earl of Cassilis, Lord Maitland, and Johnstone of Warriston. Douglas and Cassilis never took their seats. The other four ministers were all representative men. Henderson, besides a well-deserved reputation for learning and self-command, had a remarkable power of leading men. The others were less men of affairs than he, but they all held a high place as scholars and divines. Baillie and Rutherford represented the two oldest universities, and but for Gillespie's early death, no dignity would have been too high for him. They represented different sections of the Church. Rutherford and Gillespie belonged to the movement party. Rutherford in after-years

[1] Baillie, ii. 2.

became a Protester; Gillespie died before that schism took place. The King's death and Cromwell's conquest of Scotland might have modified his views as they did those of others, but it is certain that as long as he lived his heart was with Rutherford and his friends. It might have been expected that Calderwood would have been one of the first chosen. Certainly he was not best known as a theologian. But there was more likely to be substantial unity between England and Scotland in that field than on questions of government and worship, and in these he was an acknowledged authority. But he was broken by age and suffering. His voice and manner were not attractive. Even in his own Assembly the new generation were impatient of his reverence for the past. He was not conciliatory enough for a council where compromise was needed at every step. During his banishment in the Low Countries he had observed closely the action of the Brownist exiles, and had formed a very unfavourable estimate of them. Several of these very persons were prominent members of the Westminster Assembly. Had Calderwood been sent there, the Jerusalem Chamber would have witnessed violent scenes between them. It is possible, too, that if the honour had been offered it would have been declined by a man who, in one of his later works, had written: "The pastor, by the government of the Church prescribed in the word, is strong to resist or suppress schisms, heresies, corruptions, and all the spiritual power of sin and Satan, but hath no strength to withstand the temporal power and authority of princes. . . . The pastor acknowledgeth his prince to be his only bishop and overseer, superintendent over the whole Church in his dominions, as being the preserver of the liberties of the Church and keeper of both tables."[1] Among the deputies who were chosen, differences in church politics at home did not prevent their acting harmoniously at Westminster. Their knowledge of the topics discussed, and their experience in ecclesiastical courts, gave them, few as they were, a great influence over the debates and decisions.

The lay representatives of Scotland, like the clerical, were of different opinions. Lord Maitland and Johnstone, the one

[1] "Pastor and Prelate," 43.

an accomplished man of letters, the other a trained lawyer, were men whose views tended in opposite directions. Still they were close friends, and any difference between them was trifling, though readers of later history do not connect in their thoughts Lauderdale the persecutor, and Warriston the Cromwellian peer.

In due time the Directory for Public Worship was completed and accepted by the ruling powers of both countries. The original draft of it was mainly the work of the Scots commissioners, and it retains the outlines of the form in which they shaped it. But many days were spent over it, and these have left their traces in the significant omissions and calculated ambiguities in which it abounds. They do not attract notice till the text is compared with the notes of debate kept by Lightfoot, Gillespie, and Baillie. There are also in Dr. Williams' Library in London the scroll minutes of Byfield, one of the scribes of the Assembly. About twenty years ago the trustees allowed a transcript to be made for the use of the Church of Scotland. A part of it, with an interesting introduction by Professor Mitchell of St. Andrews, was printed in 1874. The Independents wrung not a few concessions from the Assembly, not by their voting power, but through their growing influence out of doors. To understand the views of the English Presbyterians we must strike a balance between the Directory and the Savoy proposals, the one their Irenicon with the Independents and the Scots, the other with the Episcopalians.

Of the observances about which there had been so much disputing in Scotland, the Lord's Prayer alone was protected, and bowing in the pulpit alone forbidden. But this last was an act of the Scottish Assembly, offered as a concession to English prejudice. When the Directory, as finally adjusted, was sent down to Edinburgh the Scots were gratified to find that the arrangement of the ordinary worship was nearly the same as that to which they had been accustomed. It had this peculiarity that the reader's and minister's services were combined, with the understanding that the reader was to be superseded, and the whole duty done by the minister. There were to be, as of old, the prayer of confession, the reading of Scripture,

and the psalm, which had been the signal for the minister's first appearance. Thereafter he was to conduct the service in the accustomed order, the sermon being preceded by a long prayer, and followed by a prayer, a psalm, and the benediction. The old way and the new seemed at first sight to be the same. But there was a question to be settled which had been stiffly contested at Westminster and disposed of for the moment by some vague sentences of rubric. What was the minister's duty in connection with the lessons of Scripture? We have seen that he had learned to regard the reader's duty as work beneath him, and which he need not even honour with his presence. He must consecrate every ordinance which he administered by his special function of preaching. As he prefaced a little when he gave out a psalm or called his people to pray, so if he was to read Scripture ought he not to magnify his office by interpolating or adding his own comments? The subject had been thoroughly ventilated at Westminster, and his countrymen had been active in the debate, but the records of it are not very clear. It seems to have turned on two questions: Was reading of Scripture a pastoral function or not? If so, ought it not to be accompanied by exposition? Baillie, in a "paper to his colleagues" which is still preserved, pleaded strongly for retaining the Scottish reader; but they do not seem to have supported him, and the result was a rubric which limits the right to ministers and those who intend the ministry, and gives the option of expounding, but on condition that it shall not begin till the reading is over.

It has been said that by the words "who intend the ministry," we may understand young persons in colleges. The true meaning is distinctly indicated in "Jus Divinum Ministerii Evangelici," a work published by the Presbyterians at Westminster as an official statement of their views unalloyed by Independency. It introduces this very passage of the Directory as follows:—"These sons of the prophets, or as they are commonly called these Expectants, are not allowed in the presbyterial government to preach without approbation and license. The Directory stablished by both nations is: 'That such as intend the ministry,'" &c.[1] And

[1] P. 113.

George Gillespie, who of all men knew what the Westminster Assembly meant, also quotes the passage to prove that "these sons of the prophets may not run to such occasional work without approbation and license."[1] What is remarkable is that the Scottish Assembly chose to treat the permission to expound as a command. The Scots Commissioners at Westminster had a dispute on the subject referred to them by their countrymen at Rotterdam, and answered that "the exposition of a chapter at once is not only lawful, but since the Reformation has been always practised in some of the Kirks of Scotland, and now is appointed by Synod of London to be part of the uniformity of divine service in all the Kirks of the three kingdoms."[2] No doubt they conveyed the same impression to their friends in Scotland, for the Act of Assembly by which they supplemented the Directory ordered that service should begin half an hour earlier to afford time for this exposition. The clergy in their turn seem to have read a new meaning into this act of their own Assembly. They began as before with the first psalm. They cut off all that represented the reader's service, including the two lessons of Scripture so plainly, and the portion of the prose psalter more vaguely, enjoined; and in lieu of them they introduced into the forenoon service after the long prayer a lecture on a text of many verses. Baillie had warned his colleagues, in the paper just referred to, that the suppression of the reader would be the suppression of daily prayers, and he proved a true prophet. For three or four years the ministers in Edinburgh had daily prayers with exposition, but they tired of it.[3] The only one of the national usages for which this paper pleaded with success was having the prayer of intercession after sermon, which was allowed to the Scots as an alternative.

The baptismal service followed the order of Scotland, but with no godfather, nor Creed, nor Lord's Prayer. Baillie and Henderson would fain have retained the Creed, but their two colleagues do not seem to have supported them. The form of the sponsor's vows was repeatedly changed, and at last there were negotiations with Scotland on the subject.[4] The present

[1] "Miscell. Quest.," iii. 5.
[2] Steven's "Scots Church at Rotterdam," 7.
[3] Wodrow's "Analecta," ii. 290, 368.
[4] Mitchell's "Baird Lecture," 147.

vague words, "requiring his solemn promise for the performance of his duty," were accepted, and even these were more than the Independents wished to concede. The public administration of baptism, at that time rare in England, was made imperative.[1]

The Communion service agrees with the fuller forms by which recent custom had remedied the extreme simplicity of the Common Order. The exhortation preceded the words of institution instead of following them. The invocation of the Spirit was distinct. The words of administration were fixed, but in a different form from those used in Scotland. "Take ye, eat ye; this is the body of Christ, which is broken for you," &c. The greatest controversy which rose between the representatives of the two nations was one connected with this service. It lasted for three weeks, and it seemed at one time as if it would end in an open breach. In England the custom, till Laud's very recent innovations, had been to bring the altar-table nearer the nave from the place eastward where it generally stood. After consecration the elements were taken from it by the minister and given to the communicants, kneeling for the most part in the places where they had been worshipping. The Scottish custom, as we have seen, was to have a longer table, or more than one, at which the communicants sat on both sides, and gave the bread and wine one to another, after those nearest the minister had received them from his hand. The two points on which they insisted were that they should communicate at a table, and seated. This, more than anything else, had been the distinction between Scottish and English practice in the most solemn of ordinances, and what they had refused to a Scottish king they would not yield to an English convocation. On the question of attitude the English were ready to make concessions; but what they contended for was that all should receive at once. At a single table, of whatever size, this would often be an impossibility, especially as the Independents held that every communicant should partake of the bread before any received the cup. Nye, one of their leaders, had his favourite symbolism to oppose to that of the Scots. He required "that the minis-

[1] Baillie, ii. 204

ter should be discovered [uncovered] as a servant, and the guests all covered."[1] At last all parties agreed on the words: "Orderly sit about the table or at it." Then other difficulties arose, till, as Baillie confesses, "we were forced to leave all these things, and take us to general expressions, which, by a benign exposition, would infer our Church practices."[2] The Scottish Assembly, however, took care to make these benign expositions authoritative by enacting that the passage "be not interpreted as if in the judgment of this Kirk it were indifferent and free for any of the communicants not to come to and receive at the table; or as if we did approve the distributing of the elements by the minister to each communicant, and not by the communicants among themselves." The Directory marriage service does not materially differ from the Common Order, except that it supplies the prayers which in the other are wanting, and says that though the ceremony must be in church, it had better not be on the Lord's Day. The section regarding burial of the dead forbids service in the house, and seems to be as much opposed to any ceremonial at the grave as the older form was. And yet Lightfoot says that the Assembly passed the section with an understanding that words of committal, at least, might be said at the time of interment. The other sections do not contain important changes or injunctions as to the form or order of worship. An Appendix, which was added as an afterthought, contains a prohibition of all holy days, except the Sabbath, making no distinction between saints' days and the great commemorations.

But the Directory does more than fix the order of service, it also provides the material of prayer, and, in the sacramental services, of exhortation also. These are not, like the corresponding parts of the Common Order, set down in the form of direct addresses to God or to man, but are descriptions of what they ought to be, rising out of the preceding rubrics. The preface tells how these materials are to be used. There is in it some vagueness of expression, not accidental, but the result of long discussion, seeking to satisfy, and, if possible, reconcile conflicting views. The intention is said to be that

[1] Baillie, ii. 149, 195. [2] Ibid. ii. 204.

"the general heads, the sense and scope of the prayers, may be known to all," and yet that the minister "may be careful to furnish his heart and tongue with other and further materials." There was one section of the Assembly who objected to all forms of prayer, and another who defended them, and made no secret of their intention to use the book as a liturgy. Neal, the Independent, says that it "passed the Assembly with great unanimity, those who were for set forms of prayer resolving to confine themselves to the very words of the Directory, while others made use of them only as heads for their enlargement."[1]

There is in the British Museum a book of devotion for the use of ships at sea, which shows how some thought themselves entitled to use the Directory. It professes to be published by authority, and its date is immediately subsequent to the issue of the other book. There is first a series of prayers for ordinary service, and these are simply the Directory forms used *verbatim* as prayers. This part of the work proves how another of the vague utterances of the Assembly was understood in England. It requires a portion of the prose psalter to be read in addition to the lessons from the Old and New Testament. The rest of the book contains prayers from some other source for the use of those at sea.

The Directory was formally sanctioned by the General Assembly of 1645. But it passed at the same time a supplementary Act drawn up by Gillespie, full of additions and caveats. Most of these were intended to secure the celebration of the Communion according to Scottish usage. None of them are obsolete even now, except that which requires the examination of every communicant before the sacrament. The Act also recommended that the minister's secret prayer at the beginning of service should be given up. The new party, which had risen among the Westland ministers and their Irish brethren, were fast gathering strength. They would naturally wish that the same Act which pronounced against bowing in the pulpit should also condemn the Doxology. The attempt was made, and was opposed by Calderwood, as he withstood other parts of the Act. It was probably on this occasion that he cried out, "Let that

[1] Baillie, iii. 129.

alone! I hope to sing it in glory." Gillespie, who records his opposition, evidently took the other side. He says that "it was thought good to make no act about this, as there is made about bowing in the pulpit, but to let desuetude abolish it."[1]

Of the "three nocent ceremonies," as their enemies called them, there remained only the Lord's Prayer to be disposed of. This had to be done cautiously. It was not easy to forbid it in the face of the Directory. Wodrow says that it was generally used in Edinburgh till 1649. The full story is told by Sir Hugh Campbell of Cawdor, who in Queen Anne's time carried on single-handed and for years a contest for its restoration. He says that he had it from men who sat in the Assembly of 1649, the last year of which we have the records. A member "of more than ordinary credit among his brethren" proposed that the use of the prayer should be forbidden. The Moderator was directed to draw the act, and made several attempts to do so. "At last he told the Assembly that he could not find language or words for such an act, as would undoubtedly displease all the Protestant churches abroad, and a great many friends as well as others at home." He suggested that when the members returned to their parishes, they should cease using it themselves, and let their Presbyteries know what the mind of the Assembly had been. Sir Hugh in his curious little volume adds, with much satisfaction, "Some do observe that as the General Assembly laid aside the Lord's Prayer, so our Lord, who composed and commanded the use of that prayer, laid aside the General Assembly." The Moderator was Robert Douglas, whose known opinions on all such subjects would have led us to expect less temporizing. The name of the man "of more than ordinary credit" can only be speculated on. Were it known, let us hope that it would now have more than ordinary discredit attached to it. Samuel Rutherford was in the Assembly, and the man of greatest credit on that side. Writing in earlier days he had allowed the use of the prayer in family worship.[2] There is no record of his assailing it as others did in the Assembly of 1643. The great Gillespie was gone. His brother Patrick, a man of coarser mould, Mr. John Nevay, whose haranguing against the prayer in the earlier

[1] Baillie, ii. 260; Gillespie's Westminster Notes, 120.

[2] "Peaceable Plea," 326.

Assembly "all heard with disdain,"[1] and many minor lights of the party were there. From among them doubtless the motion came.

The hopes of those who saw in the new Directory the British service-book of the future were not realized. It found little favour with the people of England. Early associations made it impossible for those who tried to use it liturgically to be reconciled to a form so unlike their own. It had too many ambiguous utterances for those who were willing to follow it as a directory. To the Independents, notwithstanding its concessions to them, it was a fetter on Christian liberty. The Savoy Liturgy, drawn up at the Restoration in the Presbyterian interest, is so free from traces of it that we may conclude that fifteen years' trial had failed to naturalize it. When it came to Scotland the Common Order was laid aside to make way for it. But the new guide was treated as its predecessor had been. It was modified at the pleasure of those who used it. What was old in it was followed, not because it was written, but because it was the way of their fathers; what was new was judged according to its supposed merits. Some engrafted on it novelties learned from the Puritans, or varied it by conceits of their own. There were districts in which it was received with general coldness, and everywhere there were those who showed their dislike. It may have been in allusion to those who would not join in any but the old prayers, that the Commission in 1650 included among their reasons for a public fast, "the people's muttered words of their own in prayer time." The Directory never found its way to the heart of the Scottish people as the Westminster Catechism and Confession did. Much more ready and lasting was the welcome given to the new version of the Psalms, sanctioned in the same year in which the Lord's Prayer was laid aside. It was the work of a Cornishman, Francis Rous, a member of the Long Parliament. Its admirers in England had some difficulty in having it preferred to the rival translation of William Barton, which Baillie pronounces to be of the two "the more poetical paraphrase." It was revised by order of the Scottish Assembly, and was to have been extended by versions of other parts of Scripture; but in

[1] Baillie.

the unstable state of things then prevailing, it was thought better to publish it as it stood. Notwithstanding its foreign origin, Scotland made it her own from the first. In the Savoy Liturgy it has only an alternative place after Barton's, and is described as "that version perused and approved by the Church of Scotland, there in use." These two versions, they say, are the best that they had seen, and are to be used "at least until a better than either of them shall be made." The old version had been long marked for abolition. A new one, the honour of which is divided between King James and the Earl of Stirling, had been published with the canons and service-book, and had shared their fate.

After this the course of events tended to change still further the Scottish worship. When Cromwell became master the General Assembly was suppressed. The Church, deprived of its supreme court, lost all unity and continuity of action, and soon the anarchy of the civil estate was reflected by the ecclesiastical. Those who had organized themselves in defence of the Western novations, and had been always characterized by a fuller sympathy with English and Irish Puritanism, withdrew from communion with their brethren under the name of Protesters or Remonstrants. They are frequently spoken of as a party within the Church. They were rather, in the language of our day, a new evangelical denomination. Their leaders, Guthrie, Simpson, and Patrick Gillespie, with others, were deposed by the Church. All of them were apart from her. When they were not numerous enough in any Presbytery to dominate it, but sufficiently numerous to form a canonical quorum, they did not hesitate to erect a rival Presbytery. We may be assured that if Cromwell had allowed it, their aggregate forces would have been gathered into a higher court. But meetings of General Assembly suited neither his interests as an autocrat, nor his principles as an Independent. Their numbers increased, for when a young man of the party had an opportunity of securing the temporalities of a parish, English support, civil and military, was at his command. Thus the country during the later years of the Protectorate became familiar with the spectacle of two rival establishments partitioning the land between them. The reasons why they are so often spoken of as a

party, and not as a sect, are that they were incumbents of so many parishes, and that the Revolution Assembly wisely passed an Act of Oblivion in their favour, notwithstanding the opposition of some stricter churchmen.

The schism was caused by a dispute which was as much political as religious. They insisted that no one should take the field for the King without also taking the Covenant. A course which hampered the operations of the Royalists made Cromwell more tolerant of them than of their opponents, and lessened the distance between them and his co-religionists, the Independents. The most remarkable of their novel fashions were their customs in connection with the Communion, though these were the outgrowth of circumstances rather than the development of any principle. The Communion, always too rare, had become rarer since the breach in the Church. Glasgow had it only six times between 1645 and the Restoration. The cities of Edinburgh and St. Andrews were each without it for six years in succession during the same period. In parishes where the Protesters had not been able to appropriate the churches and livings, they as separatists were not admitted to the Lord's table. This created a difficulty, especially in large towns, where the magistrates were generally creatures of Cromwell. The clergy, deterred from admitting them by their consciences, and from excluding them by their fears, delayed the celebration of the sacrament from year to year.[1] Infrequency and irregularity of date had been so common that an indefinite lengthening of the interval did not disturb their parishioners. When the Protesters were able to celebrate the Communion, it was not only for their own people, but for their adherents from all parishes within journeying distance. Great crowds implied multiplied services and many preachers, and a system hitherto unknown in Scotland was established. A pamphlet of 1657 vividly describes it as it was in its infancy. "Our dissenting brethren have taken up a new and irregular way. To omit their way of admitting persons who come from other congregations, they do not now usually celebrate that ordinance but they have a great many ministers gathered unto it, six and seven, and sometimes

[1] Lee's "Lectures," i. 394; Baillie, iii. 280.

double or more, whose congregations most part are left destitute of preaching that day; great confluences from all the country, and many congregations about, are gathered at them; and on every day of their meeting, which are Saturday, the Lord's Day, and Monday, many of these ministers do preach successively one after another; so that three or four, and sometimes more, do preach at their preparation, and as many on the Monday following. And on the Lord's Day sometimes three or four preach before they go to the Action, besides those who preach to the multitude of people that cannot be contained in the Church."[1]

It will be observed that the Communion fast-day is not mentioned. Perhaps its introduction was as yet so partial that the writer did not think that it called for notice. Fraser of Brea says in his Autobiography that at his admission to the Communion about this time, he kept a personal fast on the Thursday before, which he was not likely to do if there was already a congregational one. Burnet, recalling the new Communion customs, with which he was quite familiar, says: "On the Wednesday before, they held a fast day with prayers and sermons for about eight or ten hours together." Fasting had always been common in the Church. Sometimes, like Lent, it extended over a period of many days. When it was for a single day it was very frequently Sunday, which was a constant subject of controversy with prelatists. It was only now that it was being made an invariable concomitant of the Communion. Stevenson in his history speaks indeed of a Communion fast-day in Glasgow so far back as the time of the Assembly of 1638; but he seems to be quoting from Baillie's Letters, then in manuscript. When we refer to his authority, we find it stated that a libel against the archbishop was read in the cathedral after sermon on the Thursday before the Communion, which, at a time when week-day services and sermons were so constant, had no reference to what was afterwards known as a fast day. Stevenson, who wrote when the new custom had become an old one, was doubtless trying, in perfect good faith, to make Baillie's statement more distinct. All these Communion observances, identified with the party to

[1] "A True Representation," &c., 35. See also Burnet's "History," Book I.

which most of the deprived ministers of the Restoration and the reponed ministers of the Revolution belonged, were perpetuated by their successors. Changes like these were more easily made in the time of the Commonwealth than would have been possible at any earlier period. There was no Assembly to repress or regulate them; synods, if they met, did so at the risk of being dispersed; Protesters defied the Church presbyteries with impunity. The whole Church system was shattered and weak.

During this period another change was observable, but it had little of a party character. Till now the Scottish sermon had been generally constructed on a uniform plan. Burnet describes it as it was adhered to down to the Restoration: "The preachers went all in one track, of raising observations on points of doctrine out of their text, and proving these by reasons, and then of applying those and showing the use that was to be made of such a point of doctrine, both for instruction and terror, for exhortation and comfort, for trial of themselves upon it, and for furnishing them with proper directions and helps; and this was so methodical that the people grew to follow a sermon quite through every branch of it." The Directory, in the section on preaching, assumes this to be the normal method, and does what it can to make it permanent. But a different type of sermon was coming into vogue, which Baillie describes, speaking of Andrew Gray, a youth of very popular gifts, who had just been settled in Glasgow. "He has the new guise of preaching which Mr. Hew Binning and Mr. Robert Leighton began, contemning the ordinary way of exponing and dividing a text, of raising doctrines and uses; but runs out in a discourse on some common head, in a high, romancing, unscriptural style, tickling the ear for the present, and moving the affections in some, but leaving, as he confesses, little or nought to the memory and understanding. This we must misken [ignore], for we cannot help it."[1] We can judge for ourselves the three whom he mentions, for they all took their place among the pulpit classics of the Scottish people. Their discourses, tested by the standard of our day, have not a trace of the showy, unsubstantial character which he attributes to them. The truth is, that Gray's settlement had been

[1] Baillie, iii. 258.

promoted by the Protesters, and Baillie, though he had ceased to love bishops, had not learned to love Protesters. Wodrow records that Douglas, the great church leader, was accustomed to preach without doctrines, "skimming the text."[1] His name and Bishop Leighton's, set against Binning's and Gray's, are enough to prove that the new mode of preaching had no party stamp.

Amid much discord, and with a considerable range of variation, Scottish worship never lost its nationality. Anglicanism, of course, had been crushed. Fraser of Brea's "Memoirs" speak of an English congregation in Edinburgh, but we may suppose that it was composed of officials in Cromwell's service and of his persuasion. An Independent chaplain, or a lay preacher from among the troops, might occasionally take possession of a pulpit. But English influence worked chiefly through Scottish sympathisers. At last came the Restoration; whatever other changes it brought, it made no material alteration in the nation's worship. The circumstances of the time were such as made this impossible. With Scotland divided between two religious communities at bitter enmity with each other, it was not difficult to re-ingraft Prelacy on the common Establishment. Had she presented a united front, this would have been a hopeless attempt. A majority of the clergy submitted to a change which not many of them desired, and but for the folly and insolence of some who were in authority, many more would probably have followed their example, and taken an attitude of passive endurance and protest, as the Presbyterians had done at the former introduction of Prelacy. It was provided by Government that the vested rights of all who had been in the ministry for twelve years should be undisturbed, that the ordination of the younger men should be unchallenged, and that their titles to their livings, whether they were Resolutioners or Protesters, should be confirmed on a presentation, which the patron was obliged to grant, followed by a re-institution by the bishop. There were bishops not unwilling to relieve scrupulous consciences by reducing as far as possible this last provision. But Archbishop Fairfoul and his coadjutor Middleton brought

[1] "Analecta," i. 168.

matters to a crisis in the diocese of Glasgow, which contained a fourth of the parishes of Scotland, and was besides the stronghold of the Protesters, who, being generally the younger men, had more frequently their rights as incumbents at stake. In a district where authority showed itself more tyrannical than elsewhere, and where its victims had already become indifferent to the blessing of national catholicity, revolt was to be expected. When it came, and had been stimulated by making it unlawful for a minister to be absent from a synod, or a parishioner to be absent from church, it would have been madness to exasperate further the minority, or strain the cold acquiescence of the majority of the clergy by a revolution in worship. Therefore no more was done than to lay aside the changes brought in by the party in the Church from which the Protesters sprang. An exception was made in favour of the new Communion customs, especially the additional week-day services, and the infrequency of celebrations. In Glasgow, a cathedral city, under six successive archbishops, with capitular and parochial clergy, there were only two Communions during the twenty-eight years of the second episcopacy, one under Leighton, the other under Archbishop Burnet. When it was administered the sacrament was received as of old, by communicants seated at the long table. Hardly any attempts were made to observe the Five Articles of Perth.

The ritual tests of conformity for the clergy were using the Lord's Prayer and Doxology, and abstaining from lecturing. Readers, who had never altogether disappeared, became more numerous, but they seldom read prayers, only the Scriptures, and sometimes the Creed and Decalogue, or a portion of the prose Psalter. The worshippers were not interfered with. One historian complains that persons to whom the test was administered were sometimes taken bound to stand at the Doxology. The fact proves how slight the difference between the parties was, while it shows that both were accustomed to sit when psalms were sung. The two periods of Episcopacy had this in common, that towards the end of each there were ministers found here and there eager to go as far as possible in imitating the English worship. But no attempt was now made to impose

it by authority. So late as in 1680 it was thought necessary to have an act of Privy Council passed before the English liturgy could be read in private families. The recently published minutes of the Synod of Dunblane during the episcopate of the saintly Leighton, illustrate the worship of the period on testimony which all parties will now receive with perfect trust. Year after year he presses the same counsels on his clergy and their flocks, and his persistence shows how slowly the few restorations of old Scottish order were making way. He complains of the neglect of the Lord's Prayer, the Doxology, the Decalogue, and the Creed. He presses the reading of a lesson from each Testament with a portion of the Psalter, if not by a reader, by the minister himself. He argues with his clergy against the new custom of lecturing instead. As to the Communion, he says: "It is one of the great defects and reproaches of our Church that that great ordinance, being so useful for the increase of holiness, should be so seldom administered as with us it is, even where it is oftenest;" and in another place, "more frequent celebration whereof is so much to be wished, but so little or scarce at all to be hoped in this Church."

His appeals seem to have borne little fruit. After his departure, it is recorded that in 1683 most part of the parishes had it not; in 1685 very few had it. At another time he advises not confirmation, but a reception of the young to their first Communion by their own minister, with solemn acknowledgment of their baptismal vow. He often complains of the habit of sitting at prayer, and this begins so early in his episcopate as to show that it had been inherited from the preceding period. He recommends the minister to "endeavour to reduce the people from the irreverent deportment they have generally contracted in public worship, particularly from their most indecent sitting at prayer." We can only guess what the limits of the period were within which it had been contracted. They could not have been very remote. Kneeling had been common thirty years before. Experience tells how easily, when the worshipper is indolent or irreverent, the one posture passes into the other. Counsels to the same effect might be quoted from the minutes of other synods, in dioceses so far apart and dissimilar as Galloway and Aberdeen. Many of the parishes were now filled by

indulged ministers, mostly men who had been dispossessed in 1662, and were brought back to their own or other parishes on terms which showed how easily that disaster might have been avoided, had the limit of prescriptive right been brought down from 1649 to the Restoration. Douglas, who had preached at the King's coronation, who had spent years in prison as a Royalist, and yet would not take the bishopric that was in his offer, was content to serve on this humbler footing in a rural parish. It was no hardship to these men to worship as their fathers had done, and as their neighbours were doing still. Even the service at a conventicle or an open-air Communion would seem almost the same to a stranger who did not understand the significance of such distinctions as saying or refusing to say *Our Father*.

Controversy on ritual was forgotten in controversy about rule. In the days before the Commonwealth the introduction of English rites was the popular grievance. The Episcopal yoke was easy. But the finger of the new prelacy was thicker than the loins of the old. The laity were infuriated by fines, military occupation, and frequent bloodshed. A new spring of enthusiasm had been opened by the adoption of the Covenants. King Charles's policy of bringing the three kingdoms into unity had been revived. But then England was the pattern to which the others were to conform; now Scotland was to be the archetype, and the Solemn League the guarantee. The watchwords were Episcopacy and Scotland's Covenanted work of Reformation. The polemical preaching and literature of the age no longer concerned itself about altars of Damascus. When the toleration came, in James VII.'s time, it found the nation still at one in its worship, with the exception of the Roman Catholic remnant. We have an impartial witness to this in Morer, an English chaplain stationed in Scotland while the Revolution was in progress, and who afterwards published his reminiscences. "The Episcopal Church have hitherto used no liturgy at all, no more than the Presbyterians who now govern, and their whole service on the Lord's Day . . . depends on these particulars:—First, the precentor, about half-an-hour before the preacher comes, reads two or three chapters to the congregation of what part of Scripture

he pleases, or as the minister gives him directions. As soon as the preacher gets into the pulpit, the precentor leaves reading, and sets a psalm, singing with the people till the minister, by some sign, orders him to give over. The psalm over, the preacher begins, confessing sins and begging pardon, exalting the holiness and majesty of God, and setting before Him our vileness and propensity to transgress his commandments. Then he goes to sermon, delivered always by heart, and therefore sometimes spoiled by battologies, little impertinences, and incoherence in their discourses. The sermon finished, he returns to prayer; thanks God for that opportunity to deliver His word; prays for all mankind, for all Christians, for that particular nation, for the Sovereign and royal family, without naming any, for subordinate magistrates, for sick people, especially such whose names the precentor hands up to him, then concludes with the Lord's Prayer, to sanctify what was said before. After this another psalm is sung, named by the minister, and frequently suited to the subject of his sermon, which done, he gives the benediction and dismisses the congregation for that time. This is the morning service, which being repeated pretty early in the afternoon, because in the interim they eat nothing, makes up the Lord's-day duty as to public worship. . . . This is the Church's way in Scotland, and it seems to us Presbyterian. . . . They both do it after the same manner, saving that after the psalm the Episcopal minister uses the Doxology, which the other omits, and concludes his own prayer with that of the Lord's, which the Presbyterian refuses to do." He goes on to describe a public baptism, differing in no particular from our traditional form. The Eucharist, he says, was rarely administered, perhaps once or twice a year—to a sitting congregation. "Burials are made without a minister, whom they will have so far from Popery concerning the dead, that he must not be concerned in interring the corpse, and is seldom seen at their most solemn funerals."[1]

At the Revolution there was no legislation on worship. Parliament did not legalize the Directory as it legalized the Confession of Faith, and the earlier sanction of it had been

[1] Ecclesiastical Records, Spalding Club, p. lxix.

swept away by the Act Rescissory. It had taken no hold of the people. Morer speaks of the Episcopalians "having an eye to" a Directory, but he evidently means the Common Order, for he alludes to the Calendar in it. There was no meeting of Assembly for nearly eighteen months after the change of dynasty, and it only renewed earlier enactments against the private celebration of sacraments. For four years more it had no regular meeting. During this time the worship of the future was settling itself. Many parishes had become vacant. The ministers had been expelled, either by the rabblings, or because of their refusal to obey the act of Privy Council ordering them to pray for William and Mary. Another large body of the incumbents remained in possession in a position like that of the indulged men under the late order of things, submitting to the new church government, but not taking part in it. The Presbyterians of all schools were not so numerous as to fill all the empty livings. It was with difficulty that some of the stanch old churchmen, as Pitcairn and others, were brought to own the schismatical Protesters without their undergoing some process of discipline. When this difficulty was got over, and all the available men, licensed or ordained at home or abroad during the late troubles, were beneficed, those old-fashioned men found that they were in a minority. With the exception of some attempts to make the use of the Lord's Prayer and Doxology ecclesiastical offences, all the members of this somewhat mixed body were left to worship as they pleased. As the conforming Episcopalians, though accustomed to sit as members of the Presbyteries before the Revolution, were now excluded from them, they had no opportunity of defending, otherwise than by their example, the Reformed usages of which they had been the protectors; and as the heirs of the Protesters predominated in the church courts, the general result was that the traditions of the Commonwealth were established and perpetuated. In some cases the laity resisted. A pamphlet of the day says that the Doxology was not put down in Lady Yester's Church till the town-guard was called in.[1]

On the whole, after the Revolution, as before it, there was

[1] "Plain Dealing," 7.

not, and could not be, much controversy, as to worship, between two bodies whose forms of service were in effect the same. But when Queen Anne succeeded to the throne, the prospects of the prelatists brightened. There was an expectation that an Act of Toleration would be passed for their benefit. Pamphlets innumerable by those who feared and those who hoped for it were published, making the most of the points in which they differed, and among others, those of worship. This controversy throws much light on the new state of things. The Directory was a sharp weapon in the hands of the Episcopal combatants when they had to speak of such things as lessons of Scripture and the Lord's Prayer. No doubt these taunts promoted the passing of an Act of Assembly in 1705, which recommended, for the first time since the Revolution, a better observance of the Directory. But there was another cause. Sir Hugh Campbell had begun that agitation for the use of the Lord's Prayer to which reference has been made. Principal Carstares, in a letter to him, hints that this act was meant to meet his wishes, and Wodrow says so still more plainly.[1]

Sir Hugh's persevering endeavours deserve some notice. He was not a man of extreme opinions. He had been a generous friend of ousted ministers in the time of persecution. Fraser of Brea, for whom he became surety to the extent of 5000 merks, says he was "something Whiggish." But on this question he was an enthusiast. He strove, through the local courts, through the Assembly, and through the press, to arouse the Church, appealing to Scripture, to ancient and universal custom, to Scottish usage, and to the Directory, but all in vain. The leaders of the Church had evidently neither the power nor the will to do more than pass the Act drawing attention to the Directory. He met with more active opposition from Hog, minister of Carnock, a writer of many pamphlets, and afterwards well known as a supporter of the "Marrow" men. He published, in 1705, a "Casuistical Essay on the Lord's Prayer," treating it, as many others have done, as a basis for instruction and devotion; but he added a lengthy appendix against the use of it in public worship. Some of its sentiments may illustrate the spirit of the time. He admits its use down to 1649, but "some dregs of that

[1] "Analecta," i. 297.

sort remain even in the Reformed Churches." "Must we always repeat these words? Were not this a manifest prostitution of them, and a downright turning all into a lifeless, sapless, and loathsome form?" He speaks of the idea that saying it "made amends for whatsoever, through infirmity, might have been amiss in our merits at that duty," and continues: "Seeing our antagonists make use of this as the special reason for concluding public prayers with these words, rather than mentioning them at any other time, or in any other manner; I must say it, and doubt not of the concurrence of those who are exercised to godliness, that it is (in this sense) an engine of hell, not only far contrary to the divine prescript, but likewise perversive to the Gospel of Christ." But such opinions were not universal. Sir Hugh is at pains to collect and record the cases of ministers who used the prayer. They are those at Eyemouth, Ormiston, Turriff, Bellie, Strathspey, Dunkeld, and "the whole Presbytery of Athole." We hear of other attempts made by men whose Presbyterianism was beyond question. It was used in 1710 at the Renfrew Communion by Simson, one of a line who had held a foremost place among the clergy since the Reformation, a kinsman of the Gillespies, and who had himself been expelled at the Restoration. The news reached Wodrow, and he "spoke to him anent it." The old man's vindication is simple and touching. When the last table had been served, he told his flock "that there were three things that had Christ's name particularly given them: the Lord's Day, and the Lord's Supper, and the Lord's Prayer;" and said the prayer. "He told me that for several days before his Communion he had a strong impression on his spirit once before he died to testify his communion with the whole Christian Church, by the public using of the Lord's Prayer; that he was now eighty-two years, and many of the young ministers might have it to say that they never heard this prayer made use of by the old men, and make this a further excuse for the total disuse of it."[1] And Anderson, of Dunbarton, one of the most vigorous disputants against Prelacy, introduced it into his service, with his neighbour, the minister of Cardross, to support him; Wodrow says that it was done under Edin-

[1] "Analecta," i. 297.

burgh influence, to test the West country people, and it seems to have failed.[1] M'Ure, a local historian, says that in after-years, when this same Anderson was minister of the Ramshorn parish in Glasgow, a new church was built, and that much resentment was excited when "he had a kind of consecration sermon, devoting the church from thenceforth to the service and worship of God."

In the pamphlets referred to above, there are frequent allusions to postures in prayer. The general conclusions to be gathered from them are that no rule was prescribed, that kneeling, sitting, and standing were all to be seen, but that sitting was the most common. In the Episcopal meetings standing prevailed. Thus at St. Andrews, when an Episcopal minister prayed for Queen Anne and the Electress Sophia, "the most part of his hearers, in testimony of their not joining, sat down in the time, and rose again when that was over."[2] There was, especially among those who qualified to Government, a growing feeling in favour of kneeling, as one of the usages of the Church of England, with which it was their interest to identify themselves as far as possible. In time the Church people seem to have given up their unseemly attitude, but they did not return to their own earlier custom. Standing became general, and with other observances of no very remote origin, is earnestly defended at the present time by many who look back on the expanse of their Church's history with a scope of vision too limited to take in foreground and distance, but able only to rest on the space between.

Another custom had long prevailed in Scotland—that of being covered during sermon, taking the hat off only at prayer. It had been forbidden in the canons sent from England in 1636; but England herself had not been faultless. Cartwright, describing the church service in 1573, says: "When Jesus is named, then *off goeth the cap*, and down goeth the knees;" and Whitgift, his opponent, does not contradict him.[3] This custom was only beginning to be given up in 1703. An Episcopal pamphleteer says: "I have observed the vulgar in time of prayer to give but half-cap, and scarce the same, to the great and dreadful

[1] "Analecta," i. 218, 297. [2] Ibid. ii. 50. [3] Whitgift's Works, iii. 384.

Majesty of heaven and earth."[1] His adversary's rejoinder is: "Many uncover their heads in time of sermon, and for my part I very much approve of it, and so do all I have spoken with upon that head."[2] This approver of innovation was Ramsay of Eyemouth, afterwards of Kelso, and more than once Moderator of Assembly. He was one of the only two men in the south whom Sir Hugh Campbell mentions as using the Lord's Prayer. No doubt he was denounced in both particulars for imitating English ways. To this day the hat is often worn in time of sermon in Holland, and not long ago it was sometimes to be seen at home.

After the Revolution there seems to have been some change in clerical dress. Morer in his tract says: "Whilst Episcopacy kept its standing, the prelates and ministers wore gowns and cassocks, which, as they are garments of distinction, so they warn the wearers to walk more carefully and do nothing unbecoming their profession." And a somewhat later work by an unknown author, published by the Spalding Club, says that the new ministers would have gained more influence "had they but, on their first settlement, used the Lord's Prayer and Doxology, and *worn something of an ecclesiastic habit.*"[3] The "Scottish Presbyterian Eloquence" says: "They have no distinguishing garb from laymen," and has the usual story to illustrate the charge. The answer asks, "What Churches, except those of Rome and England, do distinguish their clergy by their garb? Our ministers wear a grave and decent habit, and are mainly distinguished from the people by the gravity and edifyingness of their conversation, which is a better characteristic than a close-sleeved gown on a drunken and swearing priest." The dress of his period is one of the last things that a historian thinks of recording, and accidental allusions are not so many or so clear as to show distinctly what the usage had been. We know that in England the surplice and other pre-Reformation vestments were worn by the clergy when they were officiating, for they were the occasion of violent controversy. Out of church the gown and cassock, or one of them, were worn as a clerical undress. The Scottish idea seems usually to have been that they ought to wear, in public at least, and in the pulpit as else-

[1] "Full and Final Answer," 14. [2] Ibid. 18. [3] "View of Diocese of Aberdeen," 74.

where, what may be called a distinctive rather than an official dress. The question is made more difficult by King James's sumptuary laws for the clergy. But an address of some of them to his son in 1634, implies that he made little use of the power which he claimed. They say that "since he did forbear to command any change of their former habits, we are bold to presume that in his great wisdom he thought fit that their apparel used in time of divine service should be continued as decent in the Church, which has ever been used since the Reformation of religion to the time of his decease, and so continues to this day."[1] Judging from pictures and passing references, they seem to have worn black robes of some kind. Confusion arises afterwards from the use of the word *cloak*, which, to the present day, is popularly applied to a minister's gown. Ray the naturalist, who was in Scotland at the time of the Restoration, says that the people all wore cloaks, especially on Sundays, but that they also ploughed in them.[2] It is not unlikely that in this, as in other things, the notions of the Independents got a footing in Scotland, and that ministers then began to wear lay dress in some grave colour, though we read of Mr. Patrick Gillespie preaching an adulatory sermon before the Protector "in his velvet rarely cut cassock."[3] Among the poor wanderers a professional dress would have been only a source of danger. When their time came, and the distinctions between them and the prelatists were so few, they may have willingly added this to the number. The "Scotch Presbyterian Eloquence" has a gossiping tale of their rebuking Lord Carmichael for wearing a scarlet cloak when he was Commissioner in the first Revolution Assembly, and his retorting that he thought it as indecent in them to appear before him in gray cloaks and cravats. Calamy, when he visited Scotland in 1709, observed that "the ministers, even in the most solemn auditories, preached with neckcloths and coloured cloaks, which a little surprised me. It was their common way, unless they were professors of divinity, or persons remarkable for age or gravity."[4] Evidently he expected to see bands and gowns. When cloaks became antiquated as a dress for the laity, they were no more seen in the pulpit. A peculiar garment worn

[1] Row's "History," 377. [2] "Itinerary," 189. [3] Baillie, iii. 370. [4] "Life," ii. 177.

by the quasi-ecclesiastical men of the far north can, perhaps, be traced back to them. It has been said that the well-known phrases "Black Prelacy" and "True-blue Presbyterianism" are a memorial of the different dresses of the two parties. It was not till towards the end of the last century that black gowns reappeared on Sundays, but not as the garb of daily life.

Long before the men of the Revolution era had passed away, the amalgam of Reformation tradition and Covenanting usage had hardened into a foundation for the worship of the nation, and was not disturbed for many a year. The eighteenth century was not given to violent change. Silently indeed a great modification of theological opinion went on; but the unwritten code which regulated the forms of the sanctuary was little altered, except by the omissions and negligences of men who had none of the fervour of the former age. Meanwhile the older customs associated with the Common Order—the lessons of Scripture, the bended knee, the Lord's Prayer, the Creed, the Doxology, the godfather, the public prayers on week-days, the private devotion in church on Sundays—were laid aside as completely as the book itself. The prelatists as well as the Church people were discarding it. Many were verifying Morer's description of them as people who "could be content to be made a province to England that the English service might take place in that country." About twenty years after the Revolution a concerted movement began for introducing the English Prayer-book. Some of the indulged Episcopal incumbents were concerned in it. Hundreds of copies were sent to them from England, and distributed among their parishioners. The exotic did not thrive in the northern air. The nonconforming Episcopalians followed the same course. Presently the interest of the struggle was centred in one man, a Mr. Greenshields, minister of a congregation in Edinburgh. His right to use the English service was challenged by the local authorities, ecclesiastical and civil; the magistrates committed him to prison, and the Court of Session supported the magistrates. But the Union had taken place. The House of Lords reversed the decision, and before long an Act of Parliament granted toleration to Greenshields and his friends on their taking the

oaths to Government. But there were other prelatists whose devotion to the Stuarts prevented their being conformists in any degree. These men were not so ready to assimilate themselves to the English Church, whose falling away from the old family they regarded with horror. Their development was rather in an Eastern direction. But traces both in worship and order of what had been usage before the Revolution long lingered among them and their descendants. Disputes arose in their ranks, and separation followed. In time their breaches were healed. The rival episcopates, like the Resolutioners and Protesters, agreed to forget past denunciations and depositions. But the victory of Anglicanism over them was difficult and slow. They had always more of the kindly Scot in them than the worshippers in the English chapels. For many a year free prayer, elders, Communion tokens, and other like things remained as indications of what their earlier history had been.

Of changes in the Sunday worship of the Church of Scotland, now its only public worship, that which was most noticed and most disliked was the reading of sermons. Up to this time it had been unknown in Scotland and over Europe, except in England, where, though not universal, it followed naturally the use of the Book of Homilies. There it had not been confined to churchmen, as we learn from what Baillie says of Nye, the Independent, when he visited Edinburgh in 1643, that he "did not please, because he read much out of his paper book." It was a novelty in 1731, when a Mr. Armstrong, preaching before the Commissioner and Assembly, read his discourse, and his action became matter of debate in the Court. Once introduced, the practice continued to make its way, but it was much disliked by the people. The prominence given to the ordinance of preaching made them intolerant of a change which lessened its force, and the more because it came from the young and growing school of the Moderates. Even at this day it has not quite outlived its unpopularity.

After the Revolution the Church was ready to resume the work of improving its psalmody, which had been stopped when the Assembly was suppressed by Cromwell. Among the unprinted acts of the third of the new Assemblies is a "reference to the Commission to cause revise the Scripture Songs." A

book entitled "Spiritual Songs" was recommended for private use in 1704. The printed acts of 1706 and 1707 show that it was being prepared for congregational use, and the Commission in 1708 is empowered to "conclude, establish, publish, and emit it for the public use of the Church, as was formerly done on the like occasion, and when our version of the Psalms was published in the year 1649." But at this point the new book was dropped, and nothing was done till 1745, when a collection of versions of other parts of Scripture besides the Psalter was published, and sent down to presbyteries. It had the old name of Paraphrases, which former Assemblies had been accustomed to give to metrical translations of the Psalms. It was partially adopted throughout the country, but was not popular. As in other cases, the Church's later practice was consecrated by a fictitious antiquity. No one remembered a time when anything but the Psalms of David was sung, and it was therefore assumed that this was the only form of praise acceptable to God. Men forgot that Scripture contained other hymns, that the fathers of the Reformation used these in metrical versions, and even sang non-Scriptural compositions, such as the Creed and Veni Creator, and still more recently the Doxology, at once a hymn and a creed. There was no proposal to displace Rous' Psalms, round which so many solemn associations had gathered. Still many excellent people were pained at the appearance of the new collection, and after thirty years had passed, it was still looked on with suspicion. The Assembly then had it revised, extended, and re-issued in the present form. It is remarkable that it was never formally authorized by the Church. It was introduced to the notice of the people as the Common Order had been two centuries before, and left to make its own way.

At the same time another innovation or restoration connected with the service of praise was being carried out. The Scots, like their favourite exemplars the French, had at first sung psalms and hymns continuously. But in England, even in the Church of England, it had been usual for the leader to repeat each line in monotone, keeping the note on which the music was to be taken up again, then singing it with the people. But for the vain repetition, it might have been taken for a rude

form of antiphonal singing. The Westminster Directory recommended the continuance of the practice, on account of the ignorance of the commonalty. Henderson opposed it, and seems to have succeeded so far as to have the injunction toned down.[1] Thus the custom was naturalized in Scotland.[2] Being connected with their own part of the service, it became rooted in the affections of the people, and was supposed to be national and ancient. It died out very slowly. Till of late years it was used in the Lowlands, when communicants were leaving the table, and there are many northern parishes where it is still to be heard every Sunday. These two revivals of older custom were fruitful sources of dissent. Several of the first congregations of nonconforming Presbyterians owed their origin to the use of Scripture paraphrases and the disuse of reading the line in the parish church. There is little doubt that by this time the singing of the Scottish people had greatly deteriorated, and though often hearty and devout, did not do justice to their fine old melodies. The Psalm-book with words and music printed together, and wedded to each other as in every other kind of vocal music, was no longer in every hand. Improvement was impossible when untrained congregations were at the mercy of untrained leaders, choosing tunes at random from a very small repertory, and breaking off the music, and often the sense, at every sixth or eighth syllable. Wodrow was told, by an ancient man who had been in the ministry since the time of the Westminster Assembly, that "he thought the Church of Scotland was short of other Churches for the exercise of singing praises to God."[3] He did not trace it to any cause, but he had seen the Common Order Psalm-book go out, and the reading of the line come in.

During the whole of the eighteenth century another change was going on, but one more promoted by the laity than the clergy. The old custom of private baptism was recovering from the ban laid on it by the Reformers. The law was strictly observed till the Restoration, and ministers under the new prelacy, in this as in other particulars, continued the practice which they found prevailing. On this point Ramsay of Eyemouth is a safe witness when, in a tract of 1703, he

[1] Lightfoot, 344. [2] "Analecta," ii. 160. [3] "Analecta," iii. 113.

writes: "Baptism is not refused to weak, dying infants, that cannot be brought to church. I very well remember the practice of prelatical ministers in this matter, and I as well know that of Presbyterians now. And I do assert that where there was one child baptized out of the church there are six baptized now."[1]

It had been found impossible to keep rigidly to the principle of public baptism among those who frequented conventicles. The Archbishop of Glasgow, in his "History of the Assembly of 1690," says that when the Act forbidding the private administration of sacraments was under discussion, the strict rule as to baptism was *briskly* opposed by Kirkton the historian and others, and that the Moderator said, "There is a distinction both of times and places, for in times of persecution I think an honest minister riding on the way, may go into a man's house, baptize a bairn, and come out and take his horse again."[2] Ramsay's experiences, past and present, were of the east Border. Wodrow, in the covenanting west, bears the same testimony, but the evil was less. Colman of Boston, in corresponding with him, had expressed the regret with which he heard that "public baptism was so rare in North Britain." He had noticed, when in Europe eighteen years before, that baptisms were generally private in London and Bath. But he expected better things of the Church of Scotland. Where it was seen in Massachusetts, "'tis from the dominion of the gentlewomen." Wodrow, replying, confesses that it prevailed in Edinburgh among people of fashion, "having come down to us from the south," and that Glasgow was following the example, but he denies its prevalence throughout the country.[3] The gentlewomen of Scotland seem to have been at one with their sisters of Boston. The example spread downwards. Perhaps the change was accelerated among certain classes by the fact that the first baptism in each family was often connected with a stigma, making parents shrink from the public rite. Whatever the causes, the result has been that over great part of Scotland public baptism is a ceremony almost unknown. The Act of 1690 suggested a device to cover the irregularity. Ramsay says of it, in the pamphlet quoted above, "Presbyterian minis-

[1] "Toleration's Fence Removed," 19. [2] P. 51. [3] "Correspondence," ii. 368, 370.

ters are careful to have the face of a congregation present when they baptize in private houses, and people are duly warned for that purpose generally, though in the north, and particularly at Dundee, the sacrament of baptism is sometimes administrate without that solemnity."

The people learned to speak as if the naming of the child were the essence of the sacrament. Parliament, less tolerant of delay than the Church, has of late somewhat disturbed this delusion; in most cases the name is fixed by registration before it is given in baptism. It was a frequent charge against the clergy of that time that they pledged sponsors to maintain the Westminster standards, and some said the covenants. Few probably went further than to recommend the Confession and Catechisms as guides. That eccentric amateur theologian, Steele the essayist, had published some such animadversions. Wodrow wrote to a common friend, vindicating his Church, and adding, "You can well let him know how much ignorance appears in confounding the holy ordinance of baptism with the engagements laid on parents as to the education of their children before that ordinance is dispensed."[1] Unhappily the ignorance which fails to distinguish between the educational pledge of the sponsor and the personal obligations of the baptized has become well-nigh universal.

The mode of celebrating the Communion brought in by the Protesters continued with little change. The multitudes who followed their ministers to a neighbouring "sacrament" gave to it something of the character of a camp meeting. The open-air services brought to the old Covenanters recollections of gatherings among the hills, and their children learned to love the "occasions" for their fervour and their freedom. The bustling crowds broke in on the home-quiet of the residents, and this was doubtless one cause of the fast day ceasing after a while to be a day of abstinence. Any attempt to limit the services was unpopular. Wodrow speaks of a Communion at Kilwinning, where there was only one minister assisting on the Saturday, the Monday, and the Communion day, and he supposes that such a thing had not been since the Revolution twenty years before.[2] A second Communion in the same year was

[1] "Correspondence," ii. 81. See also Warden, 212. [2] "Analecta," i. 220.

almost unknown. Indeed, when it was intended for the inhabitants of a large tract of country—and the open-air preaching in the churchyard or in some natural amphitheatre hard by was as important a part of it as the sacrament within the church—a celebration in the winter months was not to be thought of. It was more common for years to pass without any Communion in a parish. This was partly remedied by the many opportunities offered to the devout of receiving in other parishes than their own, and it was this that made public opinion tolerate such negligence.

As an instance of what continued to be the form of the services down to the end of the century, and as an example of the spirit in which they were upheld by men who had none of the earnest enthusiasm from which they sprang, an extract from the old Statistical Account of Campsie may be of interest:—"The Sacrament is given once in the year: three discourses on the fast day, two on Sunday, two on Monday; the action sermon in the church, and the evening sermon, besides preaching in the tent [a movable covered pulpit]. People have complained that the tent preaching was prejudicial. I am inclined to believe the contrary from experience: first, on account of its bringing a considerable collection for the poor; and secondly, it accustoms a number of people to meet together in a decent, cheerful, and respectable manner." Such a passage gives no conception of the length of the Sunday service. Not less than two hours passed before the minister left the pulpit to head the procession of elders bearing the Communion elements and vessels to the table. Each successive company of communicants not only received the sacrament, but listened to an address on the ordinance, both before and after, so that nearly half an hour passed between their taking their places and rising again. The last of these services was followed by an address from the minister of the parish to the whole body of communicants, and that by a sermon of thanksgiving from another preacher. In large congregations, requiring twelve or fifteen table services, a circuit of the clock was sometimes nearly completed before the worship was. Of this series of services the last stage was the "perlicuing" (*perlego*) before the benediction was spoken on Monday. The minister of the parish summed up, as well as

his memory and his aptitude allowed, all the discourses which the people had heard, the preachers listening with varied feelings as their productions were mangled or mended.

All over Scotland the general form of administration was the same. There were some local differences. Two of these, one in the north, the other in the south, seemed to be protests against changes made at the Reformation as to the elements of the Lord's Supper. In the parishes along the Solway unleavened bread was used, not wafers, but solid cakes prepared for the purpose. In Aberdeenshire the wine was mixed with water. Wodrow heard of it as practised in 1731,[1] but it was continued at a later time. The Dumfriesshire custom has been given up very recently. These kindred peculiarities are not to be explained by anything in the later history of the districts. If one was the country of the Prelatists, the other was of the extremest Covenanters; but both had been strongholds of Romanism in the sixteenth century, and the usages, having survived the Reformation, lived on without any doctrinal significance. There were in the Church higher and lower views of the sacraments, but they were not marked by local boundaries. Men brought them from their universities, or learned them from trusted leaders. The new school generally made less of the sacraments. In this, as in other things, they fretted against the restrictions laid on them by the creeds and customs of the past. The clergy of the opposite school, having fallen on quiet times, had not the impatience of authority and antiquity which marked their ecclesiastical forefathers. They were proud of the Westminster traditions and of those of the Reformation, so far as they had not been effaced by Westminster compromises. Hence the writings of men like Boston and Willison and Warden contain opinions on the sacraments for which we may search the works of Moderate theologians in vain. As to their practice, we find some of them introducing services, such as Calvin and Leighton recommended, for the formal reception of catechumens to their first Communion, when they acknowledged and confirmed their baptismal vows. This was quite in the spirit of the Church's earlier teaching, though the observance did not stand out pro-

[1] "Analecta," iv. 269.

minently at a time when communicants of all ages were examined before every Communion as to their worthiness. The questions which Boston used at this service are preserved in his Autobiography. The first seceders, who had been ecclesiastics of this school when in the Church, carried with them these opinions and practices, and they survived for a time among their descendants. The session records of the congregation of Mr. Shirra, a well-known dissenting minister in Fife, contain the form which he prepared and used at the reception of young communicants, ending with three questions, one as to their acceptance of the standards and covenants, a second as to their personal acceptance of Christ, and the third: "In respect of His being your God, you do here renew your promise to be His, and your vow to renounce the devil, the world, and the flesh," . . . "the men signifying the same by bowing, and the women by becking."

The small body of Lifters in the west of Scotland owed their origin to the same type of opinion. The rule of the Reformers in forming their Communion service was strictly to follow the Scripture record of the Lord's acts at the Last Supper. As He took the bread before thanksgiving, the Common Order said at this part of the service, "The minister taketh bread, and giveth thanks." For centuries the uninterrupted usage was to lift the bread and cup from the table, and then say the sacramental prayer. It was not a survival of the Romish elevation of the host, as some have thought, for that was the exhibiting of it for worship after consecration. In the middle of the century it became common to neglect this observance, but it was never abandoned altogether. The writer well remembers how, when he had to celebrate the Communion for the first time, he was told by a father of the Church on no account to omit this old form. In the Associate Synod a keen controversy on the subject arose about 1780, which ended in a small subdivision withdrawing themselves and forming a new communion with this as their badge. The Lifters became extinct, and are now forgotten.

By the time that the Evangelical revival began the doctrine of the sacraments had been greatly modified all over Scotland. It is remarkable that while in other particulars there was a

return to strict confessional belief, this has never risen again above the Moderate level. The duties of the baptized, as set forth in question 167 of the Larger Catechism, are never enforced from a Scottish pulpit. The line of distinction between the Eucharistic doctrine of Calvin and Zuinglius, once so sharply drawn, is all but obliterated, and Calvin does not hold the ground. Edward Irving, in his earlier days, continually dwelt on the Church's declension from her old sacramental doctrine; but it was the voice of one crying in the wilderness, and when it began to sound more discordant notes men ceased to listen.

In the eighteenth century the celebration of marriage in private houses began. The Westminster Independents had been its advocates, and Baillie says that the Scots did not beat down their opposition to our custom till "after two days' tough debate and great appearance of irreconcilable difference." The English, defeated for the time, had their views ultimately adopted in Scotland, but not till long after. Indeed, with the exception of Communion in pews, it was their latest triumph over us. The change was gradual, and had more than one cause. The working of the Puritan leaven may have had some influence. The easy requirements of Scottish law did not tend to add solemnity to the marriage union. The desire of the vulgar rich to have their marriages hid from the common gaze contributed to the result. The old custom lingered longest among the poor in remote districts. Dr. Sommerville, in his Autobiography, says that it was kept up among them within his remembrance, and he lived till 1830. When marriage in church was given up, the new system was discovered to be somehow a bulwark of the Presbyterian form of church government. So things continued till fashion reversed her fiat, and having borrowed the private ceremonial from one party in England, it is now borrowing the public from another. Let us hope that all classes will soon have returned to the way of their fathers, and leave it no more. Scotland has had enough discredit by private marriages at the hands of functionaries other than clerical. She will do herself honour by leaving such privileges to those who have cause for preferring them.

During this period the Directory's injunction as to the burial of the dead was strictly obeyed. Religious service, either in the

house or at the grave, was not thought of. Respect was shown to the departed by lykewakes, when relays of neighbours watched by the remains, and by an assemblage of friends to bear, and follow, the coffin from the house to the churchyard. Every parish had its death-bell, and one of the kirk officer's duties was to pass along the street of town and village, ringing it, and announcing the death. A second time he made his round to announce the time of the funeral, and when the day came he went before the procession, still ringing, till they reached the grave. It was expected that the good feeling shown by attendance at the lykewake and the funeral would be acknowledged by acts of hospitality, and the result was that both became a byword for the riot that accompanied them. The evil could be cured only by an evasion of the law which forbade religious service. It became usual for a minister or elder to come to the *kisting* (the laying of the dead in the coffin) and offer prayer, a custom still kept up in some parts of the country, and the minister had a service before the funeral procession left the house for the grave. No doubt the Directory said that "to pray by or towards the dead corpse, in the place where it lies before it be carried to burial, is superstitious." But it had occurred to some ingenious casuist that the minister might ask a blessing and return thanks over the food and liquor provided for the guests, and prolong the devotional act so as to make the scene solemn and profitable. Amendment came very slowly. The mingling of the sacred and secular was often sadly incongruous. The minister of Campsie, already quoted, outlines the picture vividly:—"It was customary till within these few years, when any head of a family died, to invite the whole parish: they were served on boards in the barn, where a prayer was pronounced before and after the service, which duty was most religiously observed. The entertainment consisted of the following parts:—First there was a drink of ale, then a dram, then a piece of shortbread, then another dram of some other species of liquor, then a piece of currant bread, and a third dram, either of spirits or wine, which was followed by loaves and cheese, pipes and tobacco. This was the old funeral entertainment in the parish of Campsie, and was styled their service; and sometimes this was repeated, and was then styled a double service, and was

sure to be repeated at the dredgie (*dirige*). . . . No person was invited by letter, and though invited against ten of the clock, the corpse was never interred till the evening, time not being so much valued in those days." Of late years services at the grave have become common. They are as much or as little in accordance with Westminster principles as the now well-established house service, but public feeling is evidently in their favour. A change so obviously wise would have come sooner, had not a prejudice against all churchyard services been created by some words in the burial service of England.

Church architecture is a matter of much less importance than the edification of the living church, but it claims some notice in a dissertation like this. Down to the middle of the century most of the ancient churches of Scotland were standing. Small and plain as many of them were, their structural features fixed their date. The honest workmanship prevented their falling into ruin, and there was no thought of demolishing them so long as they were sufficient for shelter on one day of the week. When alterations were needed, no one saw anything unseemly in mean material or incongruous arrangement. Thatch took the place of lead or stone. When fixed seats came into use, the interior was blocked above and below with strange erections in woodwork. If light and access were wanted, doorways and windows, for which the village street supplied models, were broken out in the tough walls. Still the building was reverenced for its associations apart from all questions of ugliness or beauty. Lands did not change owners so fast, nor the peasantry migrate so freely as now, and high and low alike had a hereditary tie to it. They had no wish that it should be pulled down, though it was shattered and mutilated, and seemed sinking into the earth through the mouldering dust of successive generations rising round its walls. There is no reason why most of these churches should not have been standing now, like others of the same date in other countries. But the ambition of the young clergy of that day was to be reckoned men of taste, superior to prejudice, and abreast of the spirit of the time. The *mode* was to treat mediæval architecture as something barbaric. Therefore the first object of such a man, when he entered on a living, was to have

the gloomy old "kirk and queir" removed to make way for a snug modern edifice, which, if the heritors were frugal, took the form of a quadrangle, combining the maximum of sitting room with the minimum of assessment; if they were generous, was built on some bastard classical design. Fortunately their construction was generally such as to guarantee their speedy decay.

Some of the notices in the old Statistical Account reflect faithfully the spirit and knowledge of the time as to ante-Reformation architecture. We are told that one-half of the church of Covington is an old cathedral. The exact account given by the minister of Tranent of what seems to have been a good church, is as amusing as it is provoking:—"The outward form resembles three oblong buildings placed sideways, the middle being considerably longer at each end than the other two. The communication within is by arches of different forms and sizes. A square tower rises from the centre of the whole, supported by the side walls of the middle building and by two cross arches. The roof is vaulted and covered with stone." The minister of Dalmeny, who was something of an æsthetic in his day, does not conceal his admiration for his beautiful church. He admits that it is Saxon, but that is "a mixed species between the Greek and Gothic. The windows have a very elegant Grecian appearance, and were it not for the Gothic capitals of the columns, and the shafts being too thick for their height, the whole might be taken for Greek architecture." The minister of Roxburgh indicates the time when the work of destruction was beginning:—"The church was built in the year 1752, the first modern house of that kind in this corner of the country." Only a few churches escaped, to be protected and restored when the country repented of its indifference to these memorials of the past.

Till the eighteenth century was somewhat advanced there was little interest in the state of the Celtic population in the north and west. From the slow progress of the Reformation, and the temperament and isolation of the race, there must have been much in their worship peculiar to themselves, but great obscurity rests on the subject. For a while the Church does not seem to have possessed the simplest

statistics as to the condition of the Highlands. The only notice taken of them is when Argyll and the Isles are excluded by name. Thus it is reported to the Assembly in 1596 that there are 400 churches in Scotland in which there is no preaching, besides Argyll and the Isles. In the rich mines of local fact opened in Scott's "Fasti" there are names of incumbents in those early years, but it is often doubtful whether they were not mere tithe-holders. There seems to have been at best only a skeleton establishment of preachers and readers. It is well known that the first book published in Gaelic was a translation of the Common Order by Carswell, superintendent of Argyll, for the use of his people. There is appended to it a simple service to be used when a ship is leaving the shore:—

"The steersman says, 'Let us bless our ship.'

"All the crew respond, 'God the Father bless her.'

"S. 'Let us bless our ship.'

"R. 'Jesus Christ bless her.'

"S. 'Let us bless our ship.'

"R. 'The Holy Ghost bless her.'

"S. 'What do you fear since God the Father is with you?'

"R. 'We do not fear anything.'

"S. 'What do you fear since God the Son is with you?'

"R. 'We do not fear anything.'

"S. 'What are you afraid of since God the Holy Ghost is with you.'

"R. 'We do not fear anything.'

"S. 'God the Father Almighty, for the love of Jesus Christ His Son, by the comfort of the Holy Ghost, the one God, who miraculously brought the children of Israel through the Red Sea, and brought Jonas to land out of the belly of the whale, and the apostle St. Paul and his ship to safety from the troubled raging sea, and from the violence of a tempestuous storm, deliver, sanctify, bless, and conduct us peaceably, calmly, and comfortably through the sea to our harbour, according to His divine will, which we beg, saying, Our Father,'" &c.[1]

The Reformation must have made a lodgment in many districts, especially when some great family, like the house of Argyll, identified themselves with it. But it is certain that there were

[1] Martin's "Western Islands," 129.

large tracts in which the authority of Kirk and King were equally slighted, and where Romish priests were the only spiritual guides. Under prelacy the northern bishops were often absent, sometimes serving parochial cures in the south. The clergy were under little supervision; the people were unlearned, and there was as yet no complete version of the Scriptures. It was not till after the Revolution that systematic work was begun to bring the Highland into true unity with the Lowland Church. The Irish Church had translations made for the benefit of its Celtic population much sooner than the Scottish, and thousands of copies of the Scriptures in their dialect were sent from London to Scotland, for which the Revolution Assembly sent a message of thanks. At the same time the Synod of Argyll was directed to "dispatch the whole Paraphrase of the Irish Psalms to the press—if the principal copy can be recovered," which suggests that one had been preparing before the Revolution, and had disappeared in the troubles of the time. The word Irish, however, was at that period as ambiguous as the word Scottish had been a few ages before, and when books in that tongue are spoken of, one is at a loss to know whether Hibernian Gaelic or Caledonian Gaelic is meant. In 1695 the Assembly press the use of this version of the Psalms, "understanding that in some parts of this National Church, where preaching and prayer are used in Irish, the psalms are sung at the same diet in a different language." In 1699 Bibles were still being sent into the kingdom, printed some in the Roman, some in the Irish character, but a late impression of the Bible "in the Highland language" is spoken of. Martin's book on the Western Islands throws a few rays of light on the religious usages of the people at this time. He speaks of the islanders, where there was no minister, going on Sundays to some one of the numerous chapels which were still standing, that they might repeat together the Creed, Lord's Prayer, and commandments. The people of St. Kilda used a form of prayer such as Bishop Carswell's at the hoisting of their sails. The great festivals were observed, he does not say in what manner, by the Protestant islanders of Lewis, Skye, Jura, Islay, Mull, and Arran. The Propagation Society and other kindred agencies were now beginning their work.

Wodrow, speaking of the state of the Highlands in 1729, says: "Work enough remains at this day, though I believe more hath been done this way since the Revolution than was or perhaps could well be got done, since our first Reformation from Popery."[1]

Till the suppression of the rising in 1745, the Highlander was still looked on as an alien, and the Highland Church as a series of missionary outposts, hardly keeping their ground, in the midst of a half-heathen, half-popish population. When the soldierly qualities of the race, and the writings of Johnson, and still more of Scott, made everything connected with the Celt an object of interest throughout the empire, his countrymen were astonished to find how much of culture and of devotion had been hidden behind the barriers of an inaccessible country and an unintelligible tongue. In some parts the Roman worship was adhered to steadily, though without turbulence. The rest of the people, however, had adopted heartily the Reformed faith. There were peculiar developments of it among them, some suggesting analogies with Rome, some carrying them to a greater distance from it. Their way of observing the Communion has more than anything else attracted the attention of southerners. They have done more than continue the infrequent and prolonged services of the Lowlanders. Wodrow, who knew these so well, notes what he heard, at that early date, about Highland Communions as something beyond his experience. His information from Sutherland was: "That at their Communions there they have vast confluences; that people come fifty miles to a Communion, and the bulk of the religious people through the country wait on them; that they are very much straitened what to do, by the vulgar notion they have in that country, that it is not lawful to take money for the entertainment of strangers from neighbouring places at such occasions; and yet the charges to the place where the sacrament is are so great that ministers, for the people's sake, only have the Communion once in two years."[2] It has been common to have not only the attendant preachings, but the Communion itself in the open air. There is a feature peculiar to themselves in the

[1] "Life of Carswell," 137.

[2] "Analecta," iv. 4.

Friday meeting, at which the men "speak to the question," as the phrase is, discuss in the middle of a congregation, and under the presidency of the minister, some point of practical or personal religion proposed by one of their number. To their influence and that of the ministers who are in sympathy with them, is generally attributed that extreme unwillingness to receive the sacrament which brings those vast multitudes together, not as communicants, but as listeners and onlookers. So strong was the feeling that the Communion is less a congregational privilege than an ordinance for the benefit of a wide district, that when some ministers, retaining the great summer feast, began to have a winter celebration that they might be alone in quietness with their own flock, great bitterness was excited against this private Communion, as it is called. It is another of those cases in which usages of recent and accidental growth come to be regarded by good people, in all sincerity, as ancient and essential. In their singing many Highland congregations tenaciously adhere to the Westminster innovation of reading the line. It had been already received in the south when the Reformed worship was being universally established in the north, and the want of education and of Gaelic books made it indispensable for the time. Though the necessity no longer exists, custom has made it so dear to the people that they will not part with it. As used by Gaelic precentors, it has a peculiarity of its own. It is not a monotonous drawl, but is inflected at the end of each line by a plaintive cadence, the far-off echo, it may be, of forgotten chants. The opinion, now extinct in most parts of the Lowlands, that nothing ought to be sung but metrical versions of the Psalter, is still general in the north.

This review having reached the century in which we live, let us recall the customary worship of its first years, for it has been so much changed of late that the young hardly know how their grandparents served God in His house.

The afternoon service, once general, had disappeared, except in towns and the larger villages. Through this change old distinctions between the modes of instruction proper to each service had been forgotten. At first the morning text had followed the succession of verses in some one of the sacred books, and the

catechetical doctrine of the afternoon the order of the Catechism in use. In later times the continuous text was represented by the lecture—the subject of the sermons being promiscuously chosen. Boston speaks of the distinction then as being between the law sermon and the gospel sermon. The reading of Scripture between the second and third bells had been almost everywhere given up for want of hearers. The order of the first service was a psalm, a long prayer, the exposition of a considerable passage of Scripture, then, after a psalm and a shorter prayer, the sermon, a prayer ending with supplications for all conditions of men, a psalm or paraphrase, and benediction. When there was afternoon service it was the same, except that the sermon followed immediately on the first prayer. Standing at prayer and sitting at singing were the invariable attitudes.

An era had now opened when all existing institutions were being questioned, tried, and modified, and it was to be expected that in worship, too, the inevitable progress of change would be accelerated. About the time that funeral services in the place where the dead lay were being brought in, a premature attempt was made to introduce instrumental music. It had been cast out by the Reformers, that every possible line of reaction towards Rome might be closed. Some thought that now, when so much time had passed, and other reformed churches almost identical with ours, which had retained it, were seen to be as free from Roman influence as ourselves, it might be safely resumed. The attempt was made in 1807 in St. Andrew's Church, Glasgow; but public opinion became so excited that it was given up, and the change was probably delayed longer than otherwise it would have been. In 1824 another innovation was questioned in the same city, but with a different result. It will be remembered how stanch the Scots had been at Westminster in defending their national custom of communicating at a table, and how their own Assembly passed an Act to remove all ambiguity from the words of the Directory. The practice of the English, so distinctly forbidden, was now creeping in. The elements were consecrated apart at a small table of altar-form, and the communicants, with the exception of one or two sitting by the

minister, received elsewhere. The irregularity was at first compromised by having pews so constructed that on a Communion day they might take the form of sacramental tables, and allow communicants to sit opposite each other. But even this was evaded; and some irregularity of the kind in the new Church of St. John's, in Glasgow, brought the matter before the General Assembly. The innovation was condemned. To sit "at or around a Communion table or tables" was declared to be "the law and immemorial practice of the Church of Scotland." But opinion was in favour of the change, and the encroachment went on. To increase the space occupied by communicants, was to lessen the number of administrations and shorten the service. Simultaneous Communion was at last reached. The custom has come to be that the elements, after consecration, are taken from the Lord's table and carried through the church to every pew, sometimes even to galleries. Except in a very few country churches, the old Scottish table, bearing the sacred vessels, and with the communicants seated along its sides, is never seen. Should the controversy as to kneeling Communion arise again it will be difficult to plead so strong a case for the sitting posture as our fathers had, for when there is no table to receive the Lord's guests, the significance of the posture is gone. The defence would be further weakened by the conduct of those who sit at times when they profess to be bending their knees in prayer. If they persuade themselves that the two attitudes are one, they are not likely to discriminate more clearly, should the question come to be between sitting and kneeling in sight of a distant table.

When the secession of 1843 had come and passed, the Church was for some years concerned with other matters than the details of worship. But many minds were occupied with the subject. Here, as throughout Christendom, the principles and history of Church service were being examined, and little research was needed to find that in many things we were disowning our own past. The first indication of reviving interest in these matters, on the part of the Church, was her appointment of a committee, in 1849, to prepare forms of service for her people, either at home or abroad, when they

met without a minister to lead their devotions. When their work was completed nine years after, the Church, following her own precedents in the case of the Common Order and the Paraphrases, recommended rather than imposed the book. It kept in view the neglected forms and usages of earlier days. The prayers of the Common Order and others of the same age, as well as material from the Directory and its age, were largely embodied in it. While the general arrangement of our service was continued, the prose Psalter, Scripture lessons, and the Lord's Prayer were included. By another Act of 1856, the clergy themselves were enjoined to read Scripture lessons from both Testaments, and generally to pay more attention to the principles of the Directory.

Another most important work which the Church herself has undertaken has been the preparation of a hymnal of great excellence, of which not the least merit is that, unlike many other such collections, it is not weighted by original compositions of local authors, hoping to win fame by fixing themselves in a permanent place by the side of great hymnologists. In addition to the Church's own action, there have been movements within her borders which she has watchfully observed, sometimes restraining, sometimes approving. Fortunately these have been in the direction of restoration rather than innovation. No one did more to bring the whole of this class of subjects under discussion than the late Dr. Robert Lee. The controversies of which he was the centre are too recent to need record. Putting aside all questions as to the point at which Church authority ends and individual freedom begins, every candid person must admit that most of the changes which can be traced to his action had the Church's sanction in some earlier period of her history. An exception was the use of instrumental music. It had been unknown in the Church since the Reformation, for uniformity can hardly be said to have been broken by the tentative use of it on one or two occasions in the Chapel Royal, or the Glasgow church. But it was an innovation which Dr. Lee saw the nation was ready to adopt. Many were startled at first; some, who were personally favourable to it, opposed it from a belief that it would be distasteful to the body of their

countrymen. Experience has shown these fears to be groundless. Scottish intelligence declined to see a breach of the second commandment in the use of an organ, which is neither an object nor an ordinance of worship. As an accessory of worship, it was found to be a steadier support to the singers' voices than the larynx of a precentor. The help of an instrument has been welcomed in town and country, and if there are districts where a feeling against it remains, it is not likely to be lasting, unless wrong-headed men strengthen it by attempts to force the new mode on those who are prejudiced against it.

One of the changes of attitude in which Dr. Lee led the way was, perhaps, an innovation. It is doubtful if at any time standing at singing was prevalent in Scotland. At one period worshippers stood as they sang the Doxology, because it was a profession of faith in the Holy Trinity. From time immemorial the people of Orkney have been accustomed to stand at praise, but this was no more than a local custom. Apart from significance or usage, the change has everything to recommend it, in the greater power and freedom which it gives to the voices of those who would "sing aloud unto God their strength." To kneel in prayer was only returning to an attitude which ought never to have been abandoned. It is to be regretted that so many, instead of doing this, are reverting to an attitude not more reverential than that which they have given up, but far less so—one which their forefathers gave up for very shame in an age that made less pretence to outward decorum than we do. If the transition takes this form, many who hailed it with gladness will look back with regret to the day when the people rose up to do God honour. No doubt many churches have seats so constructed that to kneel is difficult or impossible. In every church that is built or refitted the excuse ought to be removed. But even now there are multitudes not kneeling who might do so, and of them many do not offer to their Maker such scanty reverence as to bow the head before Him.

Since Dr. Lee's time there has been a growing desire to restore the union of liturgical and free prayer. This desire has been stimulated by the work of the Church Service

Society. From humble beginnings it has come to embrace in its brotherhood more than a third of the clergy. It has promoted the private study of subjects which till lately were outside the range of clerical reading. It has published successive books of devotion, showing how our forms of worship may be remodelled in a spirit of loyalty to our own past, and to what is best in the past of Christendom. By the combination of its members it has preserved a uniformity of advance, without sacrificing that measure of liberty which our ministers have always claimed. It lies with the Church to determine whether the changes, which changing circumstances always require, shall be left in future to the empirical fancies of individuals, or to the united action of a society, or whether she will take the work into her own hands. The forms for social worship, the hymnal, and her late action in providing that there shall be a celebration of the Communion at the meeting of her Assembly, show that on occasion she can guide as well as follow. If she thinks fit to leave the clergy to their own judgment, they ought to use the discretion allowed to them under a deep sense of responsibility. It is well to look beyond the limits of their own Church and their own island; but they ought to be true to the memories of their own people. A little inquiry will convince them that to keep to the unwritten law of ritual, by which the past generation walked, is not to identify themselves with the Reformers. It inherited much from them, but it also rejected much. What had displaced customs of theirs, so far as it was of native growth, was very recent; so far as it was foreign came from men who withstood us as Presbyterians, as loyalists, and as Scotsmen.

But in clearing away these accretions they ought to guard against quitting one extreme for another. If the Church has laid aside forms of prayer, the evil is not to be remedied by exchanging free prayer for liturgical, but by using both. Experience shows that it is not easy to keep the equipoise between them. Some think that they see a disposition already appearing among us to let the privilege of free prayer remain unused. The days of scanty and unmusical praise are passing away. That is no reason for abandoning altogether

the psalms and melodies which those before us loved, still less for making praise the point of central interest among the offices of religion, and looking on the house of God as no more than the scene of a Sunday morning concert. The undue prominence given to preaching had cast out other parts of service, or made them mere variations of rhetorical display. Now, when these are being restored and purified, the sermon in its turn is sometimes unduly depreciated by the hearer, contracted or diluted by the speaker. In all coming amendments or restorations, our care ought to be that every part of divine service shall have its just proportion of place, no more and no less, and all be helpful to the soul seeking to worship the Lord in the beauty of holiness.

THE DISCIPLINE

OF

THE CHURCH OF SCOTLAND.

BY

REV. ANDREW EDGAR, D.D.,

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INTRODUCTION.

THE word *discipline* is a word of many meanings. At one time it was synonymous with *education* or *instruction*, and in some English versions of the Scriptures it is used in that sense. Where, in our Authorized Version, we read, "Hear counsel and receive instruction," the words in the Douay Version[1] are, "Hear counsel and receive discipline." And contrariwise, where we read in the Authorized Version, "He openeth their ear to discipline," we find in the Revised Version, "He openeth their ear to instruction." Not only, too, does *discipline* stand in some writings for the act of teaching or imparting knowledge, but it is employed also to designate the subject taught, whether that subject pertains to art or to science. Even when applied to ecclesiastical affairs, the word *discipline* is used in more senses than one. Two famous declarations of the policy of the Church of Scotland are familiarly known by the names of the First and Second Books of Discipline. In the earlier of these historic documents there is a chapter headed "Ecclesiastical Discipline," and in that chapter ecclesiastical discipline is defined to be the reproof and correction of such faults as "drunkenness, excesse be it in apparell or be it in eating and drinking, fornication, . . . wanton words and licentious living tending to slander, which the civil sword either doth neglect or may not punish." But in both of these Books of Discipline, other matters than the cognizance and censure of offences are discussed. In short, in the title and

[1] In modern revisions of the Douay Bible the word *discipline* is in this passage displaced by *instruction*.

text of these expositions, the word is used in two senses, a larger and a narrower. In the larger sense, it is synonymous with *policy* or *polity;* in the narrower sense, it is restricted to the ecclesiastical way of dealing with ecclesiastical faults.

In the following pages the word *discipline* shall be used in a sense akin to, but somewhat wider than, that last mentioned. It shall be taken to signify two things: first, the means employed by the Church to maintain and promote purity of conduct among her members, and nourish them in spiritual life; and secondly, the means employed by the Church to discover and correct misdeeds, and restore to her communion persons that have fallen under scandal. In other words, discipline shall be considered under the two heads of *educative discipline* and *corrective discipline*—the discipline for the faithful and the discipline for the unfaithful; and although this is not a common way of using the term, it is one that not only is warrantable on grounds of reason, but is indirectly sanctioned by venerable authority. In the Second Book of Discipline it is declared that "the haill policie of the Kirk consisteth in three things, namely, in doctrine, discipline, and distribution; and, according to the pairtes of this division arisis a threfald sort of office-beirars in the Kirk, to wit, of ministers or preachers, eldaris or governours, and deacons or distributours." In the constitution of the Church, therefore, the special work assigned to elders is the administration of discipline. But other duties than the detection and correction of evil manners are required of that class of office-bearers. They are appointed to watch diligently over the flock committed to their charge, "that na corruption of religion or manners *enter* therein;" to be careful in seeking the fruit of the word in the people; to assist in the examination of those that come to the Lord's Table; to cause the acts of the Church to be put in execution; and "to hald assemblies, with the pastors and doctors, who are also of their number, for the establishing of good order;" as well as to administer discipline in the strict and customary sense of that term.[1] One of the

[1] In the Church of Scotland's Order of Ecclesiastical Discipline, 1567, discipline is said to be, *inter alia*, "an order left by God unto his Church, whereby men learn to frame their wills and doings according to the law of God, by *instructing* and *admonishing* one another," &c.

most correct writers of the English language says that in olden times the young "were prepared and disciplined for confirmation;" and it may, in like manner, be said that one of the aims of every Church should be to prepare and discipline her members for continual communion with Christ on earth, and for the glorified life with Christ in the world to come. It shall, therefore, be the object of this treatise to exhibit both the educative and the corrective discipline of the Church in Scotland, alike in pre-Reformation and in post-Reformation times; and thus to show wherein the discipline in the Protestant period of the Church's history accords with, or has departed from, the discipline that was in vogue when the Church was unreformed.

PART I.

EDUCATIVE AND EDIFICATIONAL DISCIPLINE FOR THE FAITHFUL.

By *the faithful* are here meant those persons that have been baptized into Christ, and have not, on account of any flagrant scandal in their lives, been excommunicated, or suspended from the enjoyment of Christian privileges. For these people, the members proper of the Church, there is an appropriate discipline required. The young have to be prepared for Communion, and those that have been admitted to Communion have to be kept in a state of moral and spiritual qualification for continued participation in that sacramental ordinance. All, moreover, have to be edified in the faith, and built up to the stature of perfect men in Christ. The way in which these things are done, or attempted to be done, by the Church, is by applying to people, in a manner suited to their age, education, and state of spiritual culture, the means of grace.

One of the most important of the means of grace is prayer; but it is customary to speak of prayer as an act of worship rather than of discipline. Either form of nomenclature is allowable. Considered in reference to God, prayer may be regarded as an act of homage or worship; but considered reflexively, in the influence it has on the offerer, it is an act of discipline. It is, in more ways than one, a defence against temptation. It is not only a means of securing for ourselves divine help, but it is a putting of ourselves into a serious and solemn frame of mind—a calling to remembrance of all our frailties and shortcomings, so that we may be humbled and awakened to concern—a realizing of our high calling in Christ, and of the momentous issues that lie before us in death, so that we may be impressed with a sense of the supreme importance of the things that make for our spiritual peace and everlasting welfare. The way, therefore, in which the Church calls her members to prayer, and supplies them with services of prayer, is part of her edificational discipline.

There are three kinds of prayer—viz. common or public prayer, family or household prayer, and personal or solitary

prayer. The first of these is essentially a part of Church discipline; the second and third may, from the manner in which they are pressed on people by the Church, be parts of Church discipline also.

In every Church, Catholic and Reformed, common prayers have in all ages formed part of the congregational Sunday service. In Scotland the common prayers on Sundays, in the times before the Reformation, were liturgical. They were written in set forms, and they were read aloud by the officiating priests as they were written. They were not the priest's own compositions or extempore utterances; but prayers of the Church, prepared under the Church's directions, and appointed by the Church for regular use in all her places of worship. They were written in Latin, too, so that in this country, and indeed in every other country, not one hearer in a thousand had the slightest knowledge of their import as he heard them read. And yet we should not be warranted in saying that they were either unedifying or unsatisfactory to the people. Every worshipper knew that prayer was being made when the Latin book was opened and perused; and many of the ignorant worshippers felt a solemnizing and sanctifying influence proceed from the place, the surroundings, the associations, and the sonorous strains of the tongue that to them was unknown. It is said that, in the first days of the Reformation in England, when Latimer was thundering from the pulpit against the corruptions of Popery, and was treating his hearers to prayers they could follow in their own language, some of the country-folks exclaimed against his innovations, and demanded to have the prayers read to them in Latin as their fathers had.[1]

One of the points urgently pressed by the Reformers, however, both in England and Scotland, was the importance of having the services of the sanctuary conducted in a language understood by the people. One learned historian of liturgies, in writing of Henry VIII. and the work of Reformation in

[1] In 1640 a resolution was passed in the upper house of Convocation, when Laud was Archbishop of Canterbury, that the King should be petitioned to cause the Book of Common Prayer to be printed in Latin: "Reverendissimus cum unanimi consensu prælatorum et cleri hujus sacræ synodi decrevit regiam majestatem supplicandam fore, ut liber publicarum precum, in Latinum versus, reimprimatur."—*Cardwell's "Synodalia,"* p. 628; see also pp. 596, 671, 683.

England, says quaintly that "the first onset the King gave in order to this work was the bringing of God Almighty and His people acquainted, by causing them to understand each other; for whilst the people spake to God, they knew not what, because they understood the Romish religion better than the Romish tongue; therefore to redress this very great mischief to their souls, this King's first care was to render divine offices in a tongue—their native English—familiar to them. But this he effected not all at once, but by degrees. First he began with the great essentials of religion, the Paternoster, Creed, and Decalogue; these were imparted to them in the English tongue by his injunctions, *anno* 1536. Then he proceeded to the communication of the sacred Scriptures to them, by a translation of his own authorizing, *anno* 1540. But as yet the publick service was kept lockt up from them; to indulge them therefore his royal favour in this particular also, he caused an extract to be drawn out of the Latin service, containing many of the best and most edifying prayers, which, with the litany, all translated into the vulgar tongue under the title of his Primer, he published for the good of his subjects."[1]

In Scotland, the Latin service of the Catholic Church was loudly denounced by the Reformers. One of the detestable practices of "the Roman Antichrist," abjured in the National Covenant of 1580 and 1638, was "his praying or speaking in a strange language." And, what is more to the point, as showing the change in the service of public prayer that was demanded by the "professors" in Scotland before the Reformation was effected, there was presented to the Queen-Regent, in 1558, an "oration and petition," of which the first crave was: "That as we have, by the lawes of this realme, after long debate, obteaned libertie to reade the holie bookes of the Old and New Testament in our commoun tongue, as spiritual foode to our soules, so from hencefurth it may be lawfull that we may meete, publicklie or privatlie, to the commoun prayers in our vulgar tongue."[2]

[1] L'Estrange's "Alliance of Divine Offices," Chap. i., letter R.

[2] Calderwood, vol. i. p. 335. This petition was referred by the Queen-Regent to a Provincial Council of the Catholic clergy, and their reply to the crave for common prayers in the vulgar tongue was: "That the Council had no power to alter the order

It is clear, therefore, that in respect of the language in which public prayers were offered, there was in this country at the Reformation an instant, universal, and wide departure from the ancient custom of the Catholic Church.

Long after the Reformation a liturgy continued to be used in the Church of Scotland. And not only were set prayers allowed in the Church, but they were specially appointed to be read by all ministers. Gradually, however, a conviction spread over the Church and country that read prayers were not, as a means of grace, so blessed and efficacious as unpremeditated supplications. It came to be the custom, therefore, as has been explained in the dissertation on the Ritual of the Church, that on Sabbath days prayers were read from a book by the reader, who was generally the schoolmaster, at a preliminary morning service; but when that service was ended and the "third bell" rung, the minister entered the pulpit and gave an extempore prayer.[1] By and by readers also laid the prayer-book aside. In the "Large Declaration," penned by Dr. Balcanquhal in name of Charles I., and published in 1639, it is stated that before King James left for England there was "no set or public form of prayer used in Scotland, but preachers, or readers, and ignorant schoolmasters, prayed in the church, sometimes so ignorantly as it was a shame to all religion to have the majestie of God so barbarously spoken unto, sometimes so seditiously that their prayers were plain libels, girding at sovereignty and authority."[2] In the first days of the Covenant, between 1637 and 1651, read prayers were barely tolerated by the Church, and were by some zealots positively banned. The Presbytery of Ayr, in 1642, exhorted the reader in a rural parish within their bounds, to "concoct prayers, although the brethren did not condemn read prayers in church."[3] Samuel Rutherford, writing in 1640, says:—"Anent read prayers: I could never see precept, promise, or practice for them in God's word. Our Church never allowed them, but men took them up at their

of public worship . . . . observed for centuries in the Catholic Church, and therefore could not sanction the proposed change of language. For private devotion every one was free to use what language he pleased."—*Bellesheim*, ii. 241.

[1] "Seven Days' Conference," in collected works of Bishop William Cowper, 1629.

[2] "Large Declaration," 16.

[3] "Old Church Life in Scotland," First Series, 60.

own choice. I had never faith to think well of them. In my weak judgment, it were good if they were out of the service of God. I cannot think them a fruit or effect of the spirit of adoption, seeing the user cannot say of such prayers, 'Let the words of my mouth, and the meditations of my heart, be acceptable in thy sight, O Lord, my strength and my redeemer.'"[1] And the way in which the Church of Scotland has generally, from (say) 1600 downwards, endeavoured to make public prayer a means of grace and discipline to her faithful members, is by bringing to bear on them, through her ministers, the spiritually inspiring influences of extempore oration. Within the last few years a tendency has shown itself, in some quarters, to revert to the older forms of the Church, and to make the service of prayer more disciplinary, by an enunciation, Sabbath after Sabbath, of the deepest wants of the soul in well-set words that never vary.

In ancient times the service of public prayer was not relegated to Sundays and feast-days; but on every day of the week there were prayers read in church, for the edification of the faithful and the conversion of unbelievers. This Catholic custom was continued for many a day in the Reformed Church of Scotland. About the time of the second reformation it was in force in some parishes and not in others. One minister in the west reported to his Presbytery, in 1642, that in his parish "publict prayers wer used and reading of the Scriptures morning and evening;" while another minister in the same district reported to the same Presbytery, in the same year, that in his parish "there wes no exercise of prayer or reading on the week dayes, because thair could not ane audience be had in the clauchan, but on the Sabbath day, before preaching."[2] A few years later these daily conventions for read prayers were changed into meetings for the exposition of

[1] Letter 303, Bonar's edition. Rutherford's statement that the Church of Scotland never allowed read prayers is not correct. In the preface to the Scottish Service-book, 1637, it is said: "Our first Reformers were of the same mind with us, as appeareth by the ordinance they made, that in all the parishes of this realm the Common Prayer-book should be read weekly on Sundays, and other festival days . . . conform to the order of the Book of Common Prayer. This is recorded to have been the first head concluded in a frequent council of the Lords and Barons professing Christ Jesus. We keep the words of the history (p. 218), *Religion was not then placed in rites and gestures, nor men taken with the fancie of extemporary prayers.*"

[2] "Old Church Life in Scotland," First Series, 59, 90.

Scripture. "In steid of evening and morning prayeris, the ministeris . . . concludit in the beginning of March, 1650, that all the days of the week a lectorie sould be red and exponit in Edinburgh be everie minister thair, *per vices*, quhilk accordinglie wes put in practice, and so began this holie and hevinlie exercise."[1] Such a large supply of spiritual food could not continue for any length of time to be provided by ministers, however gracious and gifted they might be; and, indeed, few of the people had appetite for so much strong meat. The daily lectorie, therefore, was but a short-lived institution in Edinburgh, and in very few other places was it ever established. But a meeting once a week, on a work day, for the word and prayer, came to be a customary part of every minister's duty.[2] Parochial records, however, reveal the painful fact that these meetings, either from declining zeal on the part of the clergy, or from want of encouragement by the people, became less and less frequent. In some parishes they were held once a fortnight, then once a month, and afterwards at irregular intervals, as occasion called for them. At the present day such gatherings, under the altered name of prayer-meetings, are held weekly, fortnightly, or monthly by many ministers; and in a few city churches the older practice of having a daily service of prayer, without lecture or sermon, is being revived.

Both before and after the Reformation, private as well as public prayer was urgently enjoined by the Church on all her members. There were different forms in which this exercise was enjoined by the Catholic Church as a part of spiritual discipline. She directed the faithful to enter the open sanctuary and to kneel down alone before the image of some favourite saint, and, under the hallowing influence of the associations thereby awakened, to pour out their hearts privately in earnest supplication. In her form of public worship she had a special

[1] Nicol's "Diary of Public Transactions," &c., 1650–67.

[2] In many places such meetings were held prior to 1650. David Dickson, when minister of Irvine, preached to a large congregation every Monday; and his ministry in that town ended in 1641. The extant records of the Presbytery of Ayr go no further back than 1642, but in that year one of the members of Presbytery reported, at the presbyterial visitation of his parish, that "he preached twyse on the Sabbath, and every Twysday once, sumtyme by preaching and sumtyme by catechising, and declared the frequent meeting of the people to that effect." The following year, 1643, another member of that Presbytery was *exhorted* to preach catechetical doctrine once a week, besides giving two sermons each Sunday.

service, termed *prosphoneses* or bidding prayers, in which the officiating deacon announced, after brief intervals of one or two seconds, successive subjects of prayer, and called on the people severally and silently to offer unto God their personal requests on these matters.[1] The disciplinary effect of this service was twofold. It nourished personal piety, and it fostered interest in themes outside the range of selfish care. Every day, too, Ave-Mary bells were rung, morning and noon, and whoever heard these bells was directed to desist instantly from the work he had on hand, and betake himself to prayer. In the Reformed Church of Scotland these forms of private prayer had no place or appointment. No countenance was ever given by Scottish Protestants to the notion that any building is more sacred than another, or that prayers offered in church are more beneficial than prayers offered in the fields, or in a private dwelling. Whether Scottish Protestantism has not gone too far in this contention may be matter of opinion. It was the remark of a good English Protestant: "I could never hear the Ave-Mary bell without an elevation, or think it a sufficient warrant, because they (Catholics) erred in one circumstance, for me to err in all, that is, in silence and dumb contempt."[2] In that remark some Protestants at the present day will doubtless concur. The kind of private prayer, however, enjoined by the fathers of the Reformed Church in Scotland was dissociated from church, bell, and allocution. It was closet prayer, like that enjoined by Christ, or prayer *sub ficu*, like that of Nathanael's commended by Christ.[3]

But the special form of devotion that the Reformed Church of Scotland aimed at instituting, as the best supplement to public prayers, was the family "exercise," in which the head of the house,

[1] See "Alliance of Divine Offices," Chap. viii., letter L.; also article "Prosphoneses," in Smith's *Dictionary of Christian Antiquities*.

[2] Sir Thomas Browne's "Religio Medici," Part I., Sec. III.

[3] In 1647 the General Assembly issued directions for secret and private worship, &c., in which it was said that, "Besides the public worship in congregations, mercifully established in this land in great purity, it is expedient and necessary that secret worship of each person alone . . . be pressed and set up; that with national reformation the profession and power of personal godliness be advanced. . . . It is most necessary that every one apart and by themselves be given to prayer and meditation, the unspeakable benefit whereof is best known to them who are most exercised therein. This being the meane whereby, in a special way, communion with God is entertained, and right preparation for all other duties obtained." It will be seen, therefore, that it was for *spiritual discipline* that private prayer was specially enjoined by the Church.

morning and evening, called together the members of his household, read with them a portion of Scripture, and then, as the priest on his own hearth, offered up a simple prayer in homely words of his own. In the times of the second reformation the Church's zeal in this matter was particularly conspicuous. In 1639 the General Assembly enacted that "in every familie the worship of God be erected where it is not, both morning and evening, and that the children and servants be catechised at home by the masters of the families, whereof account shall be taken by the minister, and elders assisting him, in the visitation of every family." In 1694, after the Church was established on its present presbyterial basis, it was further enacted by the Assembly, "That the ministers and elders in each congregation take care that the worship of God be performed in the several families thereof, and if any family be found which neglecteth this necessary duty, the head of that family is to be gravely, seriously, and earnestly admonished, until he amend his fault." How enactments of this kind, too, were obeyed by local judicatories may be gathered from the following minute of a rural kirk session, of date, December, 1639:—"The minister presentit ane book and red it in the sessioune, quhilk is to be put in practice, conforme to the Act of the General Assembly, intituled Family Exercise, that every familie sould have morning and evening prayers, publict and private reading, psalms and uther exercises of God's worship, as in the said buke is conteinit. And to this end, for the better ordering heirof, and that this service be not neglectit in families, it is thought meit that ilk elder within the paroche, in his pairtis nixt about him, have ane speciall care and charge hereof, and see what religion, what prayer, what reiding, and what uther exercise of God's service they use in their house."[1] So recently as 1700 the Synod of Glasgow and Ayr issued orders to all kirk sessions within its bounds: "That elders make conscience of visiting families within their districts, *exhorting* heads of families to set up the worship of God in their houses, *reproving* those who

[1] In presbyterial visitations of parishes about this date, 1639 and subsequent years, it was customary to ask ministers whether family exercise was generally established in the parish or not. This was in terms of Act of Assembly, 1638, Sess. 23, Art. III.

neglect it, and *delating* them upon their continued neglect."[1] Ample proof, too, may be found in the history of the Church of Scotland of the widespread institution, at one time, of this blessed exercise, and of the wonderful grace and dignity with which it was conducted in the humblest cottages.

Another instrument of educative discipline, which has in all ages been more or less faithfully used by the Church, is preaching. If discipline be only another word for instruction, and especially religious instruction, it will follow that preaching is one of the most potent instruments of discipline. And such it has been long regarded by many divines in the Catholic as well as in the Protestant Church. But preaching was a form of discipline that in ancient times was not used by the Catholic Church as persistently and as effectually as it might have been. Even to this day it is not. A distinguished Catholic exponent of the canon law states, that although, by the decrees of the Council of Trent, bishops are required to preach personally, it is only now and then that they put themselves to the trouble of delivering a sermon. And the same author says, that although rectors are held to sin grievously if they fail to preach, either personally or by a properly qualified substitute, for either one continuous month at a time, or for twelve Sundays in the course of a year, it is nevertheless the custom in some parts of the United States of America, to discontinue preaching in Catholic churches during the whole months of July and August annually.[2] For a hundred years and more before the Reformation, there was, according to common testimony, very little preaching heard from either bishops or priests in Scotland, or anywhere else. One well-informed writer avers that in England, in the days of Edward VI., when the Reformation was well advanced, "sermons were rare—very rare; in some places but once a quarter, and perhaps not then."[3] It was

[1] "Old Church Life in Scotland," First Series, 205. In recent years the General Assembly has contented itself with issuing pastoral letters of admonition, instead of penal enactments, on family worship. One such pastoral was issued in 1836.

[2] Smith's "Elements of Ecclesiastical Law," i. 359, 441.

[3] "O how horrible was that confusion, that one man sould be permitted to have two, three, foure, five, six, or seven benefices, who skarselie in the yeere did so often preache." —*Knox*, from Geneva, to the people of England, 1559 (see Calderwood, i. 428). How much preaching had been neglected in the Catholic Church of Scotland may be judged from the *reforming* canons of the Provincial Council, 1549: "According to the injunctions of the Council of Trent, every ordinary is to preach publicly at least four times in

much the same in Scotland. While there were one or two bishops, like Kennedy of St. Andrews (1440–66), who laboured in doctrine and tried to teach the people knowledge, prelates, as a rule, never preached at all, and parsons very seldom. The work of preaching was relegated almost entirely to the friars, who were illiterate people, and by their unskilful handling of the word made preaching contemptible. In no respect was the Reformed service that was set up in Scotland more differentiated from the Catholic service it displaced, than in the prominence assigned to the office of preaching.[1]

Ever since the Reformation preaching has in the Church of Scotland been regarded as the principal part of the sanctuary service. All the chief reformers in Scotland, Wishart, Knox, Willock, &c., were preachers; and it was mainly by their preaching that they were mighty, through God, to the pulling down of strongholds. Their immediate successors, Andrew Melville and James Melville, Robert Bruce and Robert Rollock, were all famous preachers too. So were the heroes of the second reformation, Henderson and Dickson, Rutherford and Gillespie. But notwithstanding the zeal of preaching that characterized the Scottish reformers, preachers could not for many a day after the Reformation be found for all the churches in Scotland. In many parishes the people had to content themselves with a service of set prayers and bare reading of Scripture. As soon as ministers could be obtained, however, preaching was instituted in every parish; and from the days of the Reformation down to the beginning of the present century it seems to have been a common, if not the general, practice in Scotland for ministers to treat their congregations every Sabbath to both a forenoon and an afternoon sermon;[2]

the year." Rectors of parishes were required to do the same. "Abbots, priors, and other superiors are to make arrangements for a certain number of their religious to preach at intervals in the parish churches; and the parish priests are to note down the number of times that the religious preach in their churches, and to report to the bishop accordingly." In 1559 bishops were enjoined to preach *oftener* than four times a year (Bellesheim, ii. 204–5, 210, 247).

[1] "It is not the chanting, nor mummiling over of certane psalms, the reading of chapters for matins, an even song, or of homilies only, be they never so godlie, that feede the soules of the hungrie sheepe. . . . Where Jesus Christ is not preached (marke weill that I say *preached*), there hath the sacrament neither life nor soule: and farther, that I say, none can be a lawful minister of Christ's sacrament, who first is not a minister of his blessed word."—*Knox* (see Calderwood, i. 428, 433).

[2] Some expressions in old records would, by themselves, lead us to infer that between the dates of the first and second reformations (1560 and 1638), it was customary for

during the greater part of that period, too, ministers were expected or required to preach once a week on another day besides Sunday.[1] Both very comprehensive and very free discourses, too, were the sermons of Scottish ministers in olden times. They were expository, doctrinal, and practical. They first of all, by reference to the context, explained the argumentative point of the text; they next unfolded all the doctrine contained in the text; and then they made fearless application of the doctrine to present times, existing customs, and living personages.[2] The actions of public men, whether kings or subordinate magistrates, and the conduct of private persons, members of the congregation, were bluntly designated by such terms as the licensed preacher, speaking in the name of the Lord of Lords, thought fittest. The phrase "Scottish sermon" came to be a well-understood expression. Baillie, in one of his letters from the Westminster Assembly in 1644, writes that on "a solemne fast for General Essex's armie, Mr. Palmer and Mr. Hill did preach . . . two of the most Scottish and free sermons that ever I heard anywhere. . . . They laid well about them, and charged publicke and parliamentarie sins on the backs of the guilty." And whatever may be said in dis-

ministers to preach only once on Sundays. In an Act of Assembly, 1580, it is alleged that "throu a great part of the countrie, the afternoone exercise and doctrine upon Sabbath days is not usit;" and it is consequently ordained that pastors "travell with their flocks to conveine to the afternoone's sermons, alsewell they that are in landwart as they that are in burghs." In 1595 the Presbytery of Glasgow urged that in the city of Glasgow there should be "twa preichings in twa severall kirkes on the Sonday efter noone; and the catechisme on Sunday eftir noone to be teichit." From the (manuscript) records of presbyterial visitations of parishes in Ayrshire in 1642, it seems to have been the custom of ministers in country parishes at that date to preach on Sunday twice in summer and once in winter, and in burghal or populous parishes twice on the Sabbath all the year round.

[1] First Book of Discipline, chap. xi. sec. 3. Henderson, in his "Government and Order of the Church of Scotland" (1641), says that from the Reformation it had been customary in cities and large towns to have sermon on two days a week besides Sunday. In the Book of Common Order it was ordained that ministers and elders should hold an assembly or consistory every Thursday, and that "everie week once the congregation assemble to hear some place of the Scriptures orderly expounded." At these congregational meetings every man was permitted to speak or inquire as God moved his heart and the text ministered occasion; and if any contention arose, such as were appointed moderators were either to satisfy the parties or refer judgment to the ministers and elders "in their assemblie before mentioned."

[2] In 1648 the General Assembly ordained that "every minister do, by the word of wisdom, apply his doctrine faithfully against the public sins and corruptions of these times, and especially against the sins and scandals in that congregation wherein he lives, according to the Act of the General Assembly, 1596, revived by the Assembly at Glasgow, 1638: appointing that such as shall be found not applying their doctrine to corruptions, which is the pastoral gift, . . . be censured according to the degree of their faults," &c.

paragement of the sermons preached in the Church of Scotland from the Reformation to the Revolution, they at least fulfilled well their disciplinary purpose. They kept the people well acquainted with Scripture, and brought home to the minds of hearers the precepts and promises of the gospel for moral guidance and spiritual comfort.

And by other means than preaching did the Reformed Church, both in Scotland and elsewhere, endeavour to instruct the community in the knowledge of Christ, so as to draw outsiders into her fold, and build up her members in sound doctrine. One of the most effective of these other means of instruction was the public reading of the Word. For at least 200 years before the Reformation, the Catholic Church in this country had shown herself very reluctant to place the Bible in the hands of the people. Not only were translations of the Scripture into English, such as Tyndale's Testament, publicly burned—on the alleged ground that they were mistranslations of the divine word and were devised for the propagation of heresy—but ecclesiastical acts, and civil acts promoted at the instance of ecclesiastical persons, were passed, which practically made the reading of Scripture in anything but the Latin version (called the Vulgate) a penal offence.[1] In Scotland the public reading of God's word was, in 1536, positively prohibited; so that the Duke of Norfolk, writing from Berwick in 1540, said in one of his letters, "Daily cometh unto me some gentlemen and some clerks which do flee out of Scotland, as they say, for reading the Scriptures in English, saying that if they were taken they would be put to execution."[2] And although, in 1543, there

[1] In 1414 it was declared in England that all who presumed to read the Scriptures in their mother tongue should "forfeit land, catel, lif, and goods from theyr heyres for ever." During the reign of Henry VIII., English versions of the Bible were alternately allowed and disallowed to be read. The Great Bible, published in 1539, was specially authorized by the King to be used in churches; and all the clergy were required to have a copy of "the same sett up in summe convenient place within the churches that they had the cure of, whereat their parishioners might most commodiously resort to the same and rede yt." Four years later an Act was passed by Parliament for the "advancement of true religion," in which it was declared that "no manner of persons . . . should take upon them to read openly to others in any church or open assembly, within any of the King's dominions, the Bible or any part of the Scripture in English, unless he was so appointed thereunto by the King or by any ordinary." Women and apprentices were by this Act, 1543, debarred even from a private perusal of the Bible at home.

[2] Eadie's "English Bible," i. 416.

was an Act of relief passed, which made it "lawful to all our Sovereign Lady's lieges to have the Holy Writ, both of the New Testament and the Old, in the vulgar tongue, in the English or Scottish, of a good and true translation, and that they shall incur no crimes for the having or reading of the same," the Catholic Church, nevertheless, gave no countenance to the English translations of the Bible, nor endeavoured to instruct her members in the knowledge of divine Scripture. Even so late as 1582, when the English Catholics "scattered abroad" felt it necessary to issue the New Testament in an English version of their own, the translators were frank enough, in the preface to their work, to confess that the Holy Church, while not positively forbidding Catholic translations of the Scriptures, did not allow "the publishing or reading of any absolutely, and without exception or limitation." They also recited the declaration of the Council of Trent, "that the Holy Scriptures, though truly and catholicly translated into vulgar tongues, yet may not be indifferently read of all men, nor of any other than such as have express license thereunto of their lawful ordinances." In the fact, however, that Protestants universally took their stand upon Scripture as the ground of their faith and teaching, it was implied that the reading of Scripture should be part of the Reformed ecclesiastical discipline. Accordingly, in every religious service held by the reformers portions of Scripture were read. In every well-ordered Protestant house there were family prayers, usually at meals, at which there was a "chapter read, and every man about gave his note and observation upon it."[1] In the First Book of Discipline the views of the Scottish reformers in regard to the reading of Scripture are explicitly stated as follows, chap. xi. sec. vi.:—"We think it most expedient and necessary that every kirk have the Bible in English, and that the people be commanded to convene and hear the plain reading and interpretation of the Scripture, as the Kirk shall appoint; for by

[1] A counterpart to this custom, or possibly the immediate origin of it, will be found in a Catholic ordinance. The Catholic Church urged on her clergy the duty of reading the Scriptures in the Authorized Version thereof—that is, in the Latin Vulgate; and one of the canons passed at the Provincial National Council held at Edinburgh in 1549, was to the effect that "the clergy are to observe the decree of the Third Council of Toledo, which enjoins the reading of Holy Scripture during meals."—*Bellesheim's* "*History of the Catholic Church of Scotland*," ii. 203.

frequent reading, this grosse ignorance, which in this cursed Papistrie hath overflowed all, may partly be removed. We thinke it most expedient that the Scripture be read in order, that is, that some one book of the Old or New Testament be begun and orderly read to the end; and the same we judge of preaching, . . . for this skipping and divagation from place to place of Scripture, be it in reading or be it in preaching, we judge not so profitable to edifie the Kirk as the continual following of one text."

Along with the reading and preaching of the word, the fathers of the Reformed Church in Scotland enjoined the catechising of the young. But this excellent practice was not peculiar either to Scotland or the Reformed Church. It is at the present day, and has all along been, part of the Catholic discipline.[1] It is enjoined in the English Prayer-book also. "The same rule is observed by the Belgick Church; and so did the Palatine divines advise at the Synod at Dort, that it should be an afternoon exercise."[2] While in most churches this catechising has been relegated to the afternoon or evening diet of worship, it was not so, or at least not universally so, in the Reformed Church of Scotland. In 1578 the kirk session of Aberdeen ordained that "howoft the prayers be read on the Sunday in time coming, the reader shall read a portion of the Catechism, and the bairnis shall answer him." And so also in 1599, the Presbytery of St. Andrews, in response to a local petition, licensed the schoolmaster of Forgan to "catechise the barnes of the parochin, upon Sundays *before the sermonth.*" So recently as 1747 a recommendation was issued by the Presbytery of Ayr to all ministers and congregations within the Presbytery's bounds, "that the ancient good custom of repeating the Catechism in church on the Lord's Day, *before sermon in the forenoon, and betwixt sermons,*" should be revived.[3] And not only was the

[1] Catechising is one of the duties of pastors, and it is usually discharged in Sunday-schools on Sunday afternoon.—*Smith's "Elements of Ecclesiastical Law,"* i

[2] "Alliance of Divine Offices," cap. iv. letter A.

[3] The Catechism, however, was sometimes associated specially with the afternoon service in Scotland, as well as elsewhere. In the First Book of Discipline, 1560, it was declared that "*after noone* must the young children be publicly examined in their Catechism in the audience of the people, in doing whereof the minister must take great diligence, as well to cause the people understand the questions proponed as the answers, and the doctrine that may be collected thereof." In July, 1580, the General Assembly enacted that "for as meikle as . . . the people are not dewlie instructed in the

Reformed Church of Scotland assiduous in the dissemination of religious knowledge, by the reading and preaching of the word and the catechising of the young, but she made it part of her edificational discipline to establish week-day schools, so that all the youth in her communion might be able to exercise intelligently that right of private judgment for which she contended. Her labours in the way of founding and fostering schools are well known, although acknowledged in some quarters with scant cordiality; but it is necessary to emphasize the fact that the education she desiderated was religious, far more than secular. It was her voice that was heard in all education acts, of either Council or Parliament, from the Reformation to the Revolution; and in the preamble of the Education Act, 1567, it is said that if the young be not brought up in the fear of God, and in good manners, and have not God's word rooted in their hearts and minds, all learning is but "tinsel baith of their bodies and saulis."

It is not out of place to remark here that, besides public instruction, private instruction in duty and comfort have at all times been less or more made use of in the Church, for the purpose of edificational discipline. The manner in which this instruction was conveyed by the Church before the Reformation was very different from what it has been ever since. In the Catholic Church the vehicle of almost all private religious instruction was the priest, and the place of such instruction was the confessional. There the intellectually perplexed, or spiritually distressed, believer poured secretly into the ear of the priest a full and confidential account of all his doubts and difficulties, all his misgivings and fears, all his sins and shortcomings, and solicited from his father in God ghostly direction and help. So important a part of edificational discipline was this private conference accounted by the Catholic Church that, in 1215, a General Council ordained confession to be made once a year at least by every one of the faithful. And in some branches of the Reformed Church people were allowed

Catechism and *rudiments* of religion, all pastors and ministers sall diligently and zealously travell with their flocks to convene to the afternoones sermones," &c. In 1604 an ordinance was emitted by the kirk session of Aberdeen, that "every Sabbath *afternoon*, between the second and third bell, twa scholars of the English school sall stand up before the pulpit, the ane demanding, the other answering with a loud voice in the audience of the people, the short catechism, and form of examination of children."

the privilege of confession, if they thought it a benefit. In some of the great Protestant families of England, domestic confessors were retained for more than a hundred years after the Reformation. But auricular confession was never allowed or countenanced by the Scottish reformers. It was uniformly denounced as a Popish invention; and in the National Covenant of 1580 it is specially mentioned as one of the things detested and refused by "every one of us underwritten." So impressed were the fathers and founders of the Reformed Church of Scotland with the evils attendant on the confessional, that they gave to that ecclesiastical tribunal no place whatever in their constitutions and books of discipline. Instead of directing the people to wait on the priest, and speak to him "in the ear," making confession unto salvation, ministers and elders were enjoined to visit people in their own houses, and there to "reprove, rebuke, and exhort, with all long-suffering and doctrine." In these pastoral visitations people were spoken to in a more direct manner than was either expedient or possible in a public sermon from the pulpit. Each individual's negligence and shortcomings in the way of Christian duty were pointed out; and his high calling in Christ was appealed to, as a strong motive to run with patience the race set before him in the Gospel.

Another form of discipline appointed for the faithful, both in the Catholic Church and the Reformed, is fasting. In the Catholic Church in Scotland before the Reformation there were periodical fasts without number. There was the annual fast of the forty days of Lent, and there were weekly fasts on Wednesdays and Fridays. These fasts, being restrictions on the enjoyment of worldly luxuries and gaieties, and particularly in the use of meats and drinks, were appointed as manifestations of sorrow, and stimulants of devotional sentiment. The Wednesday's fast was designed to express the Church's sorrow in her Lord's betrayal; the Friday's fast, her sorrow in His crucifixion; and the Lenten fast, her sorrow in His subjection to the power of death for a season. So with other fasts: they betokened sorrow in some matter with which they were associated. The thoughts of the faithful, being impressively directed to these subjects of sorrow, were

supposed to be spiritualized by fasting. It need scarcely be said that, in respect of the observance of days and months, either by fasting or feasting, the educational discipline of the Reformed Church of Scotland differs radically and widely from that of the Catholic Church. Among the things named in the First Book of Discipline as behoving "to be utterly abolished from this realm, because in God's Scriptures they neither have countenance nor assurance," is "the superstitious observance of fasting days." In their dislike of these unauthorized forms of discipline, the Scottish reformers went so far as to call them abominations, and gravely declared that "the obstinate maintainers and teachers of them ought not to escape the punishment of the civil magistrate!" Fasting was, nevertheless, acknowledged by these reformers as, in certain cases, an authorized form of divine worship, and a lawful means of profitable discipline. What they contended against was the institution of perpetual fasts without positive precept for them in Scripture. There is no order, they alleged, for the commemoration, by fasting, of either our Lord's betrayal or our Lord's crucifixion, or our Lord's subjection to the power of death. But there is authority, they maintained, for the appointment of fasts as forms of humiliation and penitence on account of special sins and provocations of divine mercy;[1] and these fasts were tacitly, if not avowedly, declared to be disciplinary, in so far as they were meant to bring home to men a sense of their sinfulness, and awaken in them a longing for righteousness. Being once allowed as warrantable in certain circumstances, they were, without formality, renewed on a recurrence of circumstances precisely similar. They were recognized as lawful preparations for special solemnities, such as, in the times of the first reformation, the ordination of ministers; and, in the times closely succeeding the second reformation, the celebration of the Lord's Supper. At their first institution in the Reformed Church they were fasts indeed. Some of the Catholic fasts had, through long observance, lost a little of their pristine austerity. The rigours

[1] In appointing fasts, the courts of the Church, from the Reformation down to very recent times, were in the habit of vindicating their act by a preamble setting forth sufficient reasons and causes.

of Lent were, unhappily, associated with the jollities of the preceding carnival. The Friday's abstinence was little else than a name. But there was no sham nor make-believe, for many a day at least, in the fasts appointed by the Reformed Church in Scotland. On the 25th December, 1565 (the better day the better deed!), a committee of eight ministers was appointed by the General Assembly to "collect the causes of a public fast." These causes were found by the committee to be the people's tolerance of idolatry, the Queen's resolution to maintain and defend the religion in which she was nourished, the intention of the powers that then were to suppress the Reformation all through Europe, and the prevalence of wickedness in the land, so that "whoredom and adulterie were reckoned but pastymes of the flesh, and slaughter and murder were esteemed small sins to anie man that had a friend in court."[1] It was then remitted to John Knox and John Craig to "sett down the forme of the exercise to be usit at the fast;" and from what is printed in this form we can well realize the rigours of that self-denying ordinance. "The abstinence," it said, "is commanded to be from Saturday at eight of the clock at night, till Sunday after the exercise at afternoon—that is, after five of the clock (*twenty-one hours*); and then only bread and drink to be used, and that with great sobriety, that the body craving necessary food, the soul may be provoked earnestly to crave of God that which it most needeth. . . . Men that will observe this exercise may not any of the two days use any kind of games, but exercise themselves after the public assemblies in private meditation with their God.[2] Gorgeous apparel would be abstained from during the whole time of our humiliation, which is from one Sunday in the morning till the next Sunday at night; albeit that the straitness of abstinence is to be kept but two days only."[3] Both the duration and the form of this fast became, for ever so long afterwards in the Church of Scotland, the model of all subsequent public fasts.

[1] Calderwood's "History," ii. 305.

[2] It is evident that at this date Scottish Protestantism did not forbid games on Sunday after public worship.

[3] In the Catholic Church fasting was strictly forbidden on Sunday. The Protestants made Sunday the special day of fasting on this occasion; and on future occasions frequently, if not generally.

In March, 1569 (1568, old style), a similar fast to that of 1566 was appointed by Act of Assembly. This fast was "to continow from the first day to that day aucht dayes inclusive, and in the meane tyme (people were) to use the exercise accustomed in the kirk of the first institutione." Superintendents and commissioners of provinces, moreover, were authorized to "hereafter institute and use the same order of fasting, so oft as just occasion sall serve, and sall seme meit be their godlie wisdome, without any further appointment by the General Assembly."[1] Sometimes the Lord's Supper was appointed to be "ministred upon the same day" as the fast; and this circumstance has led at least one high authority on questions of Church usage into the strange mistake of supposing that, as far back as 1574, "a fast was ordinarily observed in connection with the Communion."[2] The particular statement specially founded on for this conclusion is the reply of the minister at St. Andrews, in 1574, to certain inquiries about his alleged neglect to hold a fast appointed by Act of Assembly. "The fast," he said, "wes observit and concludit (although not on the day named) with ye ministration of ye supper of the Lord, according to ye order observit hidderto in our kirk." This does not mean that a preparatory sacramental fast was part of the order of Communion observed in the Church, but that the fast enjoined by the Assembly was observed according to the order of Knox and Craig's model, with a Communion service added thereto.

In the discipline of the Reformed Church of Scotland fasts have bulked more largely during some periods of her history than during others. At the present day they have well-nigh disappeared from Church life. They are never associated now with the ordination of ministers, and they are seldom enjoined as a preparation for the sacrament of the Lord's Supper. They

[1] "Book of Universall Kirk," Peterkin's edition. Knox and Craig's order was printed and inserted in the Psalm-book for convenient use when needed.

[2] While a Communion service, when it could be "done convenientlie," was sometimes added to the exercise of a fast (Calderwood, vol. ii., p. 324), a fast, on the other hand, was sometimes, for special reasons, conjoined with the Communion solemnity. On 7th December, 1574, the Kirk, or Kirk Session as would now be said, of Edinburgh, made arrangements for the celebration of a Communion, and thereafter minuted that "ye Kirk has thocht guid, *foirseand ye greit appeirand plage and scourge of pest*, &c., (to ordain). with ye celebration of ye holy table, ane publict fast and humiliation for the space of aucht dayes."

are rarely appointed by the state, either on account of the prevalence of national sins or the imminence of national danger. It was in the later times of the Covenants, from 1651 to 1689, that they were most frequent and popular. There were then parochial, presbyterial, synodical, and national fasts on almost every pretext. Monthly fasts were instituted in some places without narrative of special causes; and these fasts lingered on here and there till after the Revolution. The Westminster divines, while sitting in conclave on the constitutions of the Church, had monthly fasts; and in 1654 the Protesters were instructed by their leaders to have monthly fasts also. One parish that was blessed with the acceptable services of a zealous Protesting minister was Fenwick; and in the records of that lone and moorland parish there is a minute, of date 1693, showing that, in the said year of grace, a man was summoned before the session for "driving kine to Strathaven mercat upon the monthly fast in Julie instant." And the disciplinary purpose of these fasts is quite apparent. They were meant to awaken and sustain religious concern, to keep believers from lapsing into worldly-mindedness, and to preserve in the grace wherein they stood those that had tasted the good word of God.

Allied to fasting, there have, in different ages, been instituted or sanctioned by the Church certain forms of voluntary service and self-sacrifice as means of edificational discipline. In the Roman Catholic Church, rites and ceremonies have been multiplied with this view. Forms of asceticism, too, have been commended for mortification of the flesh and quickening of the spirit. On this theory monasticism was founded, and continues to this day an institution in the Roman Catholic Church. On the questions of ritualism and monasticism, the Scottish Reformers were at broad issue with their Catholic adversaries. They regarded all rites and ceremonies not enjoined in Scripture with the greatest horror. While the English Reformers, in their preface to the Prayer-book, modestly advanced reasons why certain ceremonies in the worship of God should be retained and others abolished, the Scottish Reformers, along with Calvin, regarded the retention of all such vanities as an unholy delight in Popish dregs. To monasticism, the Scottish

Reformers were equally opposed. The Reformation, it has been said, was "a death-war against monachism," and so the Scottish Reformers not only resolved to oust all monks from their retreats, but to level with the ground all monastic buildings. It must be admitted, however, that while monastic life has been uniformly banned in the Reformed Church of Scotland, there has, at particular periods, been inculcated in her pulpits a sentiment closely akin to that on which monasticism is founded. In the days of the Reformation, it was a complaint of Queen Mary's that in Scotland "she saw nothing but gravitie, which she could not weille agree with, for she was brought up in joyousitie."[1] And in the days of the second Reformation, and of the age immediately succeeding, the "gravitie" complained of by Mary was a still more prominent feature in Scottish religion. It breathes through the writings of Rutherford, Durham, and Brodie, and through the sermons of Peden, Cameron, and Cargill. It is climacterically expressed in a sentence scornfully quoted by Mr. Buckle from the writings of a Covenanting minister, whose works are now, except by a very few antiquated ecclesiastics, utterly forgotten: "The world is a dangerous thing, and a great evil, and the comforts of it are a hell." This doctrine being premised, men are logically constrained to "suspect whatever pleases the senses," and to consider all joy and happiness as soul-destroying. For many a day the influence of this teaching was apparent in religious life in Scotland. And the discipline was in one direction salutary. It made Scotsmen men when they came to man's estate. It checked frivolity, restrained worldliness, and produced in people a healthy stoicism and a lofty spirituality.

It remains to be said that, in all Christian Churches, the most potent instrument of edificational discipline is the sacrament of Communion. Like prayer, that ordinance may be regarded as a form of worship. It is a solemn way of naming the name of Christ, and of rendering to Christ a species of homage to which none but Christ has claim. But it is a disciplinary ordinance also. It is designed to build up men in faith and comfort, to prevent their falling into indifference and unconcern, and to keep

[1] Calderwood, ii. 159.

their hearts united to Christ in love and sympathy. In respect of the theory of this sacrament, there is a wide difference between the doctrine held in the Roman Catholic Church and that held in the Reformed Church of Scotland. In respect of the way in which the sacrament is administered, too, there is an equally wide difference in the practice of the two Churches. The Catholic holds that in this sacrament, or "mystery," the bread and wine, when consecrated by sacerdotal blessing, are "transubstantiated" into the very body and blood of the Redeemer; so that the communicant, in eating that bread, does, in a corporal and carnal sense of the term, become partaker of his Saviour's flesh. He may well believe, therefore, that a miraculous sanctifying influence comes over him every time he takes part in the ordinance. The "mystery," too, discloses itself to him as a veritable sacrifice, an offering up of Christ again for the special benefit of those that kneel before the altar. To the Protestant churchman the ordinance has no such transcendental significance. The rite performed is not a sacrifice, but only the memorial of one. The elements undergo no transformation, and it is only by faith that the communicant becomes partaker of his Saviour's flesh and blood, with all their benefits, for spiritual nourishment and growth in grace. But in both Churches the ordinance is disciplinary. It is solemn and impressive; it requires preparation for worthy observance; it leads men to realize their spiritual relationship to Christ and God; it reminds them of their low and lost estate by nature, of their redemption therefrom through Christ, of their high calling in the gospel, and of their blessed hope which maketh not ashamed. Beholding, as in a glass, the glory of the Lord, the communicant is changed from glory to glory, even as if by the operation of the Lord's spirit.

It is the disciplinary theory of this sacrament that mainly determines the frequency with which it should be administered. Were the Communion only an act of worship and an expression of reverential and grateful homage, it could not be too frequently celebrated. If the mere *opus operatum*, again, the mere act of eating transubstantiated bread canonically put into the mouth, did any one good it would be impossible to go too frequently to the altar or the table. But if the benefits anticipated

to ourselves are in any way dependent on the feelings evoked in our own hearts by the associations of the ordinance, it will become an open question whether daily, weekly, monthly, quarterly, or annual celebration is most advantageous. Some may argue that we cannot be too often brought into a highly spiritualized frame of mind, and that it would be well to have the Communion daily or weekly administered. Others may contend that too frequent repetition impairs the solemnity of the ordinance, and that more good will be got reflexively by occasional than by very frequent celebration. The Reformed Church of Scotland, unlike the Catholic Church, has all along practically declared for the latter of these views. In the First Book of Discipline, 1560, it was stated by the Scottish Reformers that "foure times in the year we think sufficient to the administration of the Lord's table." And there must have been very few, if any, churches in Scotland in which the Communion was, subsequent to the Reformation, celebrated so often as that. Once a year must have been much nearer the common rule; and, strange to say, there were many parishes, even from the beginning of the Reformation, in which this valuable ordinance was not administered for a series of years. As early as 1565 some ministers were ordered by the General Assembly to be tried and censured "for not ministering the Communion for six years bypast."[1] And as time wore on greater irregularities than that came to light. Both in the perfervid period of the Covenants and Protestations, and in the lukewarm age preceding the Secessions, there were parishes in which the Lord's Supper had not been administered for eight, ten, twelve, or even sixteen years.[2] As in the days of the first, so in the days of the second Reformation, and for some time after, a celebration twice a year was what the Church aimed at. In 1642 one minister within the bounds of the Presbytery of Ayr "regraited" that the Communion was not celebrated twice in the year in his parish, and expressed his willingness that it should, if the parishioners would only "pay their part for the

[1] Calderwood, ii., 291.

[2] For sixteen years (1756–72) the Rev. William Boyd was minister of Carsphairn, and during the whole of that period the Lord's Supper was never once celebrated in the parish ("Fasti Ecclesiæ"). And there were strict laws in the church (1712, XI.; and 1751, VII.), requiring ministers to administer the sacrament once a year at least.

furnishing of the elements, according to the directions of the platt." The year following another minister was admonished, by the same Presbytery, to give his people an opportunity of communicating twice a year.[1] There is reason to believe, however, that neither in the seventeenth nor the eighteenth centuries were half-yearly Communions general over the Church of Scotland for any length of time. There is positive evidence, also, that in both centuries there were many parishes in which every other year there was no Communion at all.[2] It is quite clear, therefore, that during the greater part of her history the Reformed Church of Scotland was not so assiduous as, from her zeal of God, might have been expected, in using the most potent of all her means of edificational discipline.

But if Communions were in the Church of Scotland, for the first 200 years of her history, celebrated with less regularity and less frequency than in other Churches, they certainly were not celebrated with any less show of solemnity. On the contrary, it may be questioned if in any Church the Lord's Supper was ever administered with more quickening and spiritualizing effects than it was in the Church of Scotland during that period. The day of Communion was a day to be remembered in every parish. It was like one of the days of heaven on earth. On that day ministers and people alike prepared themselves for an unusual inspiration. In the elevation of their own spirits, they felt as men may be supposed to do when they ascend the hill of God. The world seemed far behind and far beneath them. The air they breathed was a mountain atmosphere. And although on some occasions, especially during the days of inter-parochial Communions last century, when crowds of non-parishioners came pouring in from all quarters to witness, if not take part, in the solemnity, there were scenes of levity and disorder much to be lamented, the service in itself was always impressive, and those that came for a blessing seldom went away unblessed. In the train of

[1] "Old Church Life," First Series, 155.

[2] So far as I can make out, the Communion was celebrated in Mauchline only five times during the decade 1671–80; and during that time there was a very able and zealous minister in the parish. At the visitation of the parish in 1723 it was stated that there had been no Communion for three years. Between 1709 and 1716, eight years, the Communion in the neighbouring parish of Tarbolton was celebrated only three times.

every army there are some disreputable camp-followers; it is not to be wondered at, therefore, that in the great Communion gatherings of Scotland a century ago there were sight-seers who neither came to the Lord's table nor conducted themselves like the Lord's people.[1] But that circumstance does not disestablish the fact that the Communion service as administered in the Church of Scotland from the Reformation in 1560 till the Secession in 1843, was a most sanctifying and blessed discipline.

While the service of Communion may be viewed in this light, as a piece of edificational discipline designed to nurture men in holiness and preserve them from falling into godlessness, it may also be considered as a high Christian privilege, pertaining rightfully to those only that are in a state of grace, and for which some religious qualifications and preparatory training are requisite. To be fit for communicating worthily at all times is just equivalent to being brought into the state of grace and kept in it. To bring and hold men up to the mark of fitness for sacramental Communion may therefore be regarded as one of the chief ends of edificational discipline; and we have accordingly to inquire now, what means were employed for that purpose by the Catholic and Reformed Churches in Scotland respectively?

The Reformers were much more strict than the Catholics in excluding the ignorant from Communion. They not only required the young to undergo and pass an examination on the chief heads of religion, but they required all the members of the congregation, whether old or young, and whether communicating for the first or fiftieth time, to undergo examination before each celebration of the ordinance. This requirement continued in force, in some parts of Scotland at least, for about two hundred years after the Reformation. In 1710 an overture was submitted to the Presbytery of Ayr to have the examination declared unessential. The terms of that overture, however, show what a very slight relaxation of the old custom was

[1] In 1595 an Act was passed by the Kirk Session of Galston, and revived in 1635, that "in respect monie cumes to the Kirk on the Sabbath day, quha cumes not to the heiring of the word, but contemes and wilfullie absteines frae it, remaining at conference in houses at drink; therefore it is statute and ordainit that whosoever beis funden or tryit drinkand or selland drink in tyme of divine service, everie one of them sall pay 13*s.* 4*d.* toties quoties, and make their repentance in the publict place."

thought even then to be warrantable. "Every minister, knowing the time when it is expected the sacrament should be in his parish, should," it said, "set himself forthwith to have all ready for it, and the Presbytery ought to be exact in asking an account of their diligence, and not easily put off with excuses, which by too easie admission have become things of course. And they not having examined all of the paroche every year is not a sufficient argument for a delay of the work, for those who have been examined and admitted before may be admitted of new, upon the former evidence of their knowledge, and those of whom the minister is doubtful, or who are known to be ignorant, may be more easily overtaken; *but this should hold only in case of palpable inability to examine all,* lest otherwise it furnish encouragement to negligence." And how this examination was gone about or neglected, in different places at different periods of the Church's history, may be gathered from the following references to it in sessional and other records. In 1566 the Communion was appointed to be celebrated in the Canongate Church, Edinburgh, on the 5th May. Two weeks before that date, namely, on Sunday, the 21st April, "the kirk ordained examination to begin afoir the Comonion, ordanyng the minister publiclie to warn and exhort all commonicants to cum and keep their aun quarter, with thair househalds, for guid exampill given unto the waiker."[1] In 1595 the Kirk Session of Perth found that, although there was a yearly trial of communicants before the celebration of the Lord's Supper, there were nevertheless "sundry within the congregation ignorant of the principles and grounds of religion;" and the session accordingly thought good to institute, over and above their general conventions of the people for sacramental examination, "particular trials of particular persons within families, that all may be instructed."[2]

There would seem in those days to have been "sundry" ignorant people in Dunbarton also; but the kirk session of that castled and well-mounted parish took, as beseemed them, in 1620, a much more drastic way of dealing with culpable ignorance than was taken by the mild-mannered

[1] Lee's Lectures, vol. i. Appendix, p. 395.
[2] Records of the Kirk Session of Perth. Spottiswood Miscellany.

minister of Perth in 1595.[1] They "ordained that everie personne being warned to come to the examination, if they refuse to cum ane of the two dayes quhilk sall be appointed to them, sall pay everie ane four shillings. Leikwayes that if any personne quho cumes to be examined be fund ignorant of the prayer, belief, or commands, in that case they sall pay for everie ane of thes quhereof they sall be ignorant twelve shillings, except that within the space of sax weiks theraftir they lerne them."

It may be presumed that in some parts of the country, especially in the Laodicean times of the first Episcopacy, this pre-Communion examination of all and sundry was not gone about in a very rigorous, if even in a strictly regular way. Aberdeen was one of the strongholds of Episcopacy; and when Cant, the Covenanter, was settled there in 1641, some of the Aberdonians complained that he gave them no communion for two years, "quhill first thay wer weill catechist, becaus he alledgit thay war ignorant."[2] And the Aberdonians, just because "thay war ignorant," never got over the idea that Cant's catechising was a novation; for so late as 1655, the provost, magistrates, and council, in a protest which they entered on their minutes against Cant's customs, specially mentioned his refusal to admit to the Communion all that would not "in ane pharisaical way offer themselves to be tried by him, and those whom he called his elders."

Over the country generally, however, these pre-Communion examinations were common in the days of Mr. Cant. At the Presbyterial visitation of an Ayrshire parish in 1644, complaint was made against the minister, because he had no "catechising but once in the year by examination before the Communion." In 1642 the kirk session of another Ayrshire parish, which happened then to be vacant, petitioned the presbytery to allow the sacrament to be administered in their church, "because the people were all examined" by the probationer who was supplying the pulpit. This pre-Communion

[1] Mr. John Malcolm, a singularly affectionate and pious, as well as learned man. It was of him that Andrew Melville wrote:—

Perdius, et pernox dux gregis inter oves,
Voce doces vivus, scriptis post fata docebis.
—See "Fasti Ecclesiæ."

[2] Spalding's Memorials, ii. 156.

examination, it may be remarked, was not a custom in all Protestant Churches, nor even in all Puritan Churches, during the seventeenth century. Baillie tells us that in his day the Independents had no catechising before their sacrament of the Supper. That exercise was below their condition, and they were "so happy as to have all their members prepared always sufficiently for the Lord's table, from their first entrance into their Church to their dying day."[1] This helps to explain why in the Westminster Directory, in the compilation of which the Independents had a hand, there is no reference to this examination as part of the sacramental preparation required of communicants. But in adopting the Westminster Directory, the General Assembly, in 1645, specially ordained that "congregations be still tried and examined before the Communion, according to the bygone practice of this Kirk." This examination is perhaps as needful yet as it ever was; for with all the educational zeal that is abroad, the community at large are less acquainted with the Scriptures now than they were forty years ago. But the sacramental examination is a thing of the past, which cannot be revived. Its continuance in the Reformed Church of Scotland for two hundred years is a striking illustration of the rational principles on which that Church is based; for it is a declaration that whatever be the religious service in which we take part, whether it be prayer or praise, Communion or benefaction, we should engage in it with understanding as well as reverence.

Previous to the Communion, and as a preparation thereunto, people were, by the Scottish Reformers and their successors, enjoined to clear themselves of every matter of scandal or reproach, however slight. It is understood that in early times the Catholic Church required her members to make private confession to the priest before they went to the altar.[2] For gener-

[1] "Letters," ii. 91, and "Dissnasive" (1645), 121.

[2] A fine account of the old preparation for Communion is attributed to Queen Margaret of Scotland (1069–93) in a conference with some ecclesiastics about Communion at Easter. "It is," said the Queen, "the man who partakes of the holy mysteries carrying with him the defilements of his sins, without confession or penance, that eateth and drinketh judgment to himself. But we, who many days before have confessed our sins, have cleansed our souls by penance, and washed away our stains by almsgiving and many tears, and then on Easter Day draw near in Catholic faith to the table of the Lord and receive the body of the Lamb without spot; we eat and drink not to judgment, but to the remission of our sins." (Bellesheim, i. 248.)

ations before the Reformation, however, this private confession was not demanded. The only pre-Communion confession appointed was the general confession in the liturgy, which was read over by the priest before the Mass was celebrated. In the Church of Scotland, after the Reformation, people that were at variance were required to make peace with each other before they were admitted to the sacrament.[1] This was usually done at a meeting of kirk session, but sometimes there was a congregational convention appointed for the purpose. The kirk session of Canongate, for instance, in 1611, made an Act, "concerning ane general and publict meeting of the haill honest neighbours within the congregation to assemble before the Communion for tryell and removing of all eylists and offences, that sould happen to fall out, and for exhortation of the haill neighbours to mutual peace and love, quhereby the celebration of the holy Communion might proceed the more religiouslie, to the glore of God and comfort of the haill people." Three years afterwards, the same kirk session, referring to that Act, and finding that such a meeting as is described therein was "baith necessar and expedient at this first celebration of the haly Communion, thocht meit and descernit, that upon Tysday the 19 of Januar instant, thair be a publict convention of the haill brethren and honest neighbours within this congregation, for the causes foresaid—viz., quhatsoever offence or eylist quhilk may be an impediment to the religious celebration of the holy Communion now approaching, may be with honest consent and harmony removit, the haill neighbours stirrit up, and exhortit to Christiane and mutuall amitie, quhereby this haly Communion may be the more Christianlie and devotely celebrate, to the glore of God and comfort and contentment of the haill congregation."[2]

When reconciliations were made in the kirk session, the procedure was very specific and sometimes very quaint. In 1567 a man bearing the indefinite name of John Smith was accused by the Kirk Session of Canongate "for sclander geven be him to the Kirk, in molesting of Mungo

[1] In section 23 of the Confession of Faith, 1560, it was said:—"Suche as eate or drinke at that holie table without faith, or being at dissensioun and divisioun with their bretherin, doe eate unworthilie." (Calderwood, ii. 35.)

[2] Lee's "Lectures," vol. i. Appendix, p. 397.

Rid;" and being present, answered: "I confes I have offendit the kirk, and am willing to satisfy, and can nocht come unto the tabill unto the tyme I be reconsilit, and in taken I desir reconsiliation, and am content to gang to the said Mungo, and say: Brother, I confes I have offendit you, and therefor I desir you to forgif me that we may leif togeddir as godle brether, and I desir sum of you to schaw the same to Mungo." Sixty-seven years later, at the meeting for removal of eylists in a rural parish in the West, a man was accused of defaming a woman's character. The man confessed the words complained of, but excused himself on the ground that he was under the influence of drink when he spoke so rashly. He then declared that "he kend nothing to hir but honesty; and therfoir he humbled himself befoir the sessioune, and *she tuke him up by the hand.*"[1] The good gained by these processes of reconciliation was great. Misunderstandings were removed, hot blood was cooled, ruffled tempers were smoothed, and people were brought into a fitter frame of mind for approaching the Lord's table. But there were also some attendant evils. Pretexts were furnished for people's abstaining from Communion, "under colour of deadly feuds and other light causes." The underlying principle, too, sound within certain limits but unsound beyond these limits, that people should not have the privilege of Communion unless they are at peace with all men, was one of the reasons that ministers gave for withholding the sacrament of the Lord's Supper from their people for years at a time.[2]

Certain religious exercises, too, were from a very early period observed in the Reformed Church of Scotland as part of the pre-Communion discipline. One of the first of these exercises to come into use was a service of public worship on the

[1] In 1643 two "parocheners of Cammonell refused to be reconciled, as they wer delated by the minister, and wer ordained to be proceided against by admonition," that is, with a view to their excommunication. Records (MS.) Pres. of Ayr.

[2] How long this doctrine continued to be held in the Church of Scotland, that a man's being at feud with another debars him *ipso facto* from the Lord's table, it is difficult to say. So recently as the year 1716, complaint was made to the Presbytery of Ayr, by Lady Coilsfield, that her parish minister, the minister of Tarbolton, went to the Lord's table at St. Evox, in July last, without seeking to have her husband, the laird of Coilsfield, reconciled to him. It turned out, however, that the minister was free from blame in that matter, for "the very night in which Coilsfield did him injury, he showed inclination to have all differences done away, and his overtures were declined." ("Old Church Life," First Series, 123.)

Saturday preceding the celebration. In the session records of Canongate Church, for 1567, it was minuted that the Communion would be administered on a certain specified Sunday, and that "the exhortation would be given on the Saturday afternoon afoir."[1] In the Ayrshire parish of Galston the sacrament was, in 1634, administered on two successive Sabbaths, and on the Saturday preceding each of these sacramental Sabbaths there was a preparatory service in church. Other instances to the like effect could easily be adduced.[2] And what the object of this preparatory service was, needs scarcely be stated. It was designed to stir up devotional feeling, to make people realize the purpose of their intended Communion, and so enable the congregation to join in the ordinance all the more worthily and beneficially. To this preparatory service on the Saturday there came, in the course of time, to be added another disciplinary exercise. This was the sacramental fast, and it is not to be confounded with a more ancient institution of similar name. There was an old custom in the Catholic Church for communicants to receive the Communion fasting. It was thought that, for the greater honour of the sacrament, the transubstantiated bread should, on the Communion day, have precedence of all other food. That notion lingered for a while in the Reformed Church of Scotland also, and Communions were appointed to be held at such early hours as five, four, and three in the morning. But the fast here referred to was different, and it was held several days before the Communion. It was a day of humiliation and prayer, sanctified by abstinence, and improved by preaching. And probably parochial sacramental fasts were, in the Church of Scotland, first held on the Sabbath preceding the Communion.[3]

[1] The expression "the exhortation" is given in this minute as a familiar phrase. In 1558 there was a brief address, entitled the "Godlie Exhortation," published by the authority of Archbishop Hamilton, the Catholic primate of Scotland, and "ordered to be read by the clergy to the faithful before administering to them the Holy Communion" (Bellesheim, ii. 219). Dr. Sprott states that it was about 1620 when the Saturday preparation service came to be generally held in the Church of Scotland.

[2] The Westminster Directory for Public Worship allows the preparatory service to be held either on the Sabbath preceding the Communion, "or on some day of that week." The General Assembly, however, in 1645, enacted that "there be *one* sermon of preparation, delivered in the ordinary place of public worship, upon *the day immediately preceding*."

[3] Long ago people held private fasts as preparations for Communion. In 1634 John Livingstone had a day of private fasting and prayer on the Saturday before a Communion; and in 1652 Brodie of Brodie made the Monday before a Communion a day of fasting and humiliation.

As far back as 1626, the Sabbath before the Communion is, in the records of Galston parish, called "the day of fast;" and in the records of the same parish for 1645, a still more explicit expression is found: "Sunday, the first of June, *being the fast before the Communion.*" So late as 1673, Sunday sacramental fasts continued to be held in that exemplary parish. On the Monday after the Communion in that year, there was entered in the kirk register a minute regarding the collections lifted "upon Sabbath was eight days, being the *Fast* day, and upon Saturday, Sabbath, and this day." In 1651, however, or shortly after that date, some of the Protesters (so called because of their protestation against the public resolution to receive into the army all fencible persons, who were not excommunicated, notoriously profane, or professed opposers of the Covenant) appointed a fast to be held on the Wednesday before their Communion. This fast, accompanied "with prayer and sermons for about eight or ten hours together,"[1] gave a new and special solemnity to the ordinance; and fasts thereafter rose so much in favour with devout people that, without any ecclesiastical appointment, they came to be a universal preliminary to the celebration of the Lord's Supper. And well did they serve their end for many a day. People took occasion on these fasts to call their sins to remembrance, and to consider their unworthiness of the Saviour's love. This humiliation stirred up penitence, and led to vows of new obedience; and so, on the Sabbath following, communicants went well disciplined to their high vocation. Since the introduction of railways, sacramental fasts have been gradually losing their sanctity and their sanctifying influence; and they have even been perverted to uses the very opposite of their first intention. So in many parishes they have been discontinued as a degradation of the sacrament and a scandal.

It will now be seen that in respect both of fulness and fitness, the edificational discipline of the Church in Scotland since the Reformation compares favourably with the edificational discipline that was in use before the Reformation. The former of these statements may possibly appear doubtful. It may be thought by some people that whatever may have been the

[1] Burnet's "History of his Own Times."

character of the discipline for the faithful in the Church in Scotland before the Reformation, there was at least more of it than has ever been used in the Church since it was reformed. There were so many religious orders or fraternities with their respective rules—so many special days of solemnity besides the Lord's Day—so many religious ceremonies—and so many special calls to worship in the old Catholic Church which have no place in the Church Reformed, that one may be disposed to conclude that Catholics before the Reformation had a fuller discipline for their spiritual nourishment than Protestants have ever since enjoyed. The Catholic discipline, however, made provision for the aspirations of the few, rather than for the wants of the many. One of the broadest and deepest differences between Catholicism and Protestantism, is that the latter-named system throws on individual men far more personal responsibility than does the former. To the multitude, Catholicism practically says—"Go to the priest and seek the aids of his priestly influence; commit your souls unto him as unto a faithful shepherd, and he, by his prayers and masses, will make your calling and election sure." The common layman is thus relieved of spiritual care. Unless he either falls into such gross sin as demands a service of penance, or aspires to a more than common measure of personal grace, he is made to believe that he needs *no spiritual discipline.* Protestantism, on the other hand, says to her children—"Every one of you must bear his own burden; every one of you must be judged by his own faith and accompanying works; every one of you must personally make his peace with God through Christ; every one of you that seeks for glory and honour must cultivate holiness in the fear of the Lord; and every one of you that desires to be owned by Christ as a brother must walk worthy of the high vocation wherewith you are called." Despite the fact, therefore, that justification by faith is the cardinal doctrine of the Protestant, and justification by works is the watchword of the Catholic, personal sanctification bulks far more largely in Protestant than in Catholic soteriology. Protestantism declares that there is no way by which any man can compensate or compound for a life of religious indifference—there is no priest but one to whom a man can go for availing intercession—there is no atonement

to be found in any prayers one can purchase, or in any amount of masses one can pay for. Each individual must work out his own salvation with fear and trembling. Protestantism thus tells men they have more to do personally than Catholicism says they have; and the Protestant consequently feels a spiritual discipline far more needful for him than the Catholic does. He needs more safeguards, more guidance, more stimulation, more enforced subjection to Christ; and what his Church tells him he needs she endeavours to supply. She feeds him with the sincere milk of the word; she engages his heart in prayers he can follow and understand; she appoints him fasts occasionally, for reasons he can appreciate; she gives him knowledge, that he may in his own house become a priest unto God; she provides him with rational instead of mystical Communions, that they may bring home to his mind the obligations he is under to the crucified Redeemer.

In its fitness or adaptation to the end in view, which is the culture of Christian life and growth in grace, the edificational discipline of the Reformed Church in Scotland far transcends that of the pre-Reformation Church. The character of the one was mystical and ritualistic; that of the other has all along been mainly moral and intellectual. Catholicism and Protestantism alike aim at moving the feelings and gaining the heart; but the one works by ritual, and the other by reason. The one tries to keep the obligations of religion before the mind by means of oft-recurring solemnities, images and pictures, rosaries and crucifixes, prostrations and processions, symbolisms and mysteries; the other founds all her edificational discipline on reason. She says to men, ascertain what you want, and how it may be got; consider what is required of you, and how your requirements can be implemented. Go to the word, and learn what the word has to tell about the way, the truth, and the life. Seek to grow in the knowledge of Christ, and use such precautions as may prevent the shipwreck of your faith. Let your discipline be based on Scripture precept, and be such as you can justify in reason, such as shall exercise on your heart a manifest moral and spiritual influence, and not merely such as shall be supposed to count for so much service to, or propitiation of, God.

PART II.

CORRECTIVE AND RESTORATIVE DISCIPLINE; OR THE DISCIPLINE FOR THE UNFAITHFUL.

By "the unfaithful" are meant here those members of the Christian Church that have fallen under such grievous scandal as infers their suspension from the enjoyment of church privileges. It is clear that within the pale of any Church, however pure, there may be professing Christians that bring discredit on the Christian name by the sins they commit or the heresies they vent. Such sins and heresies are not to pass unnoticed and uncensured, to the shame and dishonour of the Church, and to the encouragement of those that would willingly make light of the obligations of Christian virtue or the sanctity of Christian doctrine. At the same time, persons that commit such sins or vent such heresies are not to be permanently cut off, without any hope of restoration, from the Communion of the saints. Means are to be used to bring those that have been overtaken in faults, or led astray by ignorance, to a proper sense of their sin or error; and thereafter, on satisfactory show of contrition, they are to be received back into the fold of the faithful. For this course of dealing there is Scripture warrant. In the days of the apostles one member of the Church at Corinth was, under colour of Christian liberty misnamed, leading openly a life of such infamy as would not have been allowed among the Gentiles; and the notoriety of that fact was both bringing the Christian Church into disrepute and creating misapprehensions of the Christian morality. St. Paul accordingly, in much anguish of mind, wrote to the saints at Corinth, that they must instantly cast out of their community that wicked person. But when, not long afterwards, it was reported to Paul that the excommunicated man had been brought to see the sinfulness of his conduct, and had both avowed penitence and shown a beseeming sense of shame for the scandal he had caused, the apostle wrote to the Corinthian brethren that sufficient for the offender was the punishment he had now received, "so that contrariwise they ought rather to forgive him, and comfort

him, lest perhaps he should be swallowed up with overmuch sorrow." In these directions the apostle indicates, in a general way, the course of corrective and re-edificational discipline that should at all times be adopted with the erring and sinful children of the Church. And it is in reference to the Church's dealings with this class of people, her unfaithful members, that the word "discipline" is most generally, if not exclusively, employed in common speech. In popular language discipline means some sort of punishment. And while that word, as we have seen, is in the Douay Bible used synonymously with instruction, it is also in the Douay Bible used in the sense of chastisement. In Isaiah liii. 5 we read: "The discipline of our peace was upon him, and with the waile of his stripe we are healed."

In treating of the corrective and restorative discipline in the Church of Scotland, both before and after the Reformation, we shall consider particularly the inquisition that was made by the Church into people's lives and conduct; the censures that were inflicted for offences; the course of penitence that was enjoined; the circumstances under which, and the formalities by which, absolution was granted. And it is to the post-Reformation discipline that our attention shall be chiefly directed.

INQUISITION AND SURVEILLANCE.

Before corrective and penitential discipline is resorted to, there must either be proof of a scandal, or well-grounded suspicion of a scandal. We have to inquire, therefore, in what way and by what means scandals were brought to light, both in the Catholic Church before, and in the Protestant Church of Scotland after, the Reformation; what surveillance of people's lives and manners was taken by the two Churches respectively? what offences were noticed by the ecclesiastical authority? and by what agencies was conviction brought home to the hearts of offenders? It may be assumed that, in both Churches, surveillance was more strict at one period than at another; and that in both Churches, but more particularly in the protean Protestant Church, which was sometimes Presbyterial and sometimes Episcopal, the subjects and manner of inquisition varied from time to time.

In the Catholic Church, for several hundred years before the Reformation, the chief means used for the discovery of offences was the Confessional. The members of the Catholic Church were taught that confession of sin is a Christian duty; and ever since the fourth Lateran Council, 1215, the Catholic Church has required all her members to make confession of their sins once a year at least. It may be open to doubt whether even the best of Catholics were always honest enough to confess to the priest the whole of their secret faults, or whether they were sometimes satisfied with reciting only a few of the least reprehensible and reproachful of their trespasses. It may be open to question, also, whether the Confessional is good for the morals of either priest or people. But it must be admitted that the Confessional was instituted for a legitimate and praiseworthy object. It had been found by experience that in many cases great scandal and much mischief had arisen from public disclosures of vice, and it was concluded that a more excellent way of dealing with sinners would be to receive their confessions in private. It was supposed also that by this means people would be induced to confess their sins more frankly and more fully, and that the blessed sacrament of penance would accordingly be made more potent for good.

In the Reformed Church of Scotland the Confessional never had a place. The Scottish Reformers professed to see in the Confessional nothing but evils, and they spoke with mockery and scorn of "shrift in the ear." They preached up, as much as Catholics did, the duty of confession; but the kind of confession they enjoined was open confession before the ecclesiastical authority, which was not the priest or minister, but usually the court called the kirk session. In some cases a still more open confession—in face of the congregation—was enjoined. The virtue of voluntary confession, too, was extolled above that of confession by constraint; and in many cases, therefore, voluntary confession was obtained from delinquents. But it must be said that Scotsmen generally, ever since the Reformation, and probably before that date, have required the pressure of considerable constraint to induce them to make confession of any form of sin where disclosure might put them to

either shame or sorrow. It is satirically remarked by a well-known essayist, that if King David of Israel had been a Scotsman he would, before pronouncing judgment on the man of many herds and flocks who slew the poor villager's pet lamb, have asked the name of the rich and covetous sheep-owner. There is a widespread belief abroad, therefore, and it is founded on good presumptions, that Scotsmen have always been, and still are, very unwilling in kirk sessions to make self-damaging confessions which are not unavoidable. It is usually when their iniquity cannot be hid that Scotsmen have the grace to confess their sins. And their confessions, as detailed in session records, are often impudently, as well as ludicrously, meagre. A common thing for men to do, when charged with fighting and swearing, was to confess the valour but deny the blasphemy imputed to them. Other forms of modified confession are not infrequent in session records. A woman accused of drunkenness, 1657, confessed to the session in a qualified way that she was indeed "somquhat distempered, but not altogether throw much drink, but by reason of meeting with that sort of drink that did not agree with her."[1] In times of rigid discipline, however, people were obliged, for expediency's sake, to make confessions. If, on what their kirk session held as proof, they would not acknowledge guilt, they were declared scandalous, and were refused the benefit of sealing ordinances. And if, when there was only an uncleared suspicion of guilt against them, they would not confess guilt, they were treated as suspected persons, and debarred from the privilege of Communion. Very considerable constraint, it will thus be seen, was, in the Reformed Church of Scotland, and especially in periods of disciplinary zeal, laid upon people to acknowledge their transgressions. Occasionally there was some glory got by confession, in which case confession was made with a will. In Covenanting districts there was nothing that, in the days of the Covenants, feathered a man's cap like a confession of sin for conforming to some "late" prelatic or Erastian order. The man that, for such a sin, had the discretion to humble himself before the kirk session was held to have "witnessed a good confession," and was not unlikely, before

[1] Kilmarnock Session Records, MS.

long, to have his claims for the parochial eldership favourably entertained.[1]

In the Reformed Church of Scotland, down to the end of last century, the most common way of bringing offences under ecclesiastical cognizance was not by voluntary confession, but by delation. At a meeting of kirk session the minister or one of the elders would intimate that a particular *fama*, which was specified, was in circulation regarding some particular person, who was named. A member of session or a committee of session would then be appointed to wait on the defamed person, apprise him of the delation, ask him whether the *fama* against him was true or false, and then report to the session the result of the inquiry. If, on this report, it seemed to the session that the *fama* was without foundation, a minute to that effect would be written, and the case would come to an end; but if it seemed to the session that the *fama* had possibly some foundation in fact, a summons would be issued for the accused to appear before them on a day specified, and if a confession of guilt was not then tendered, a trial might be instituted in much the same manner as in a civil court. Witnesses might be cited and examined on oath; and if the charge were found neither clearly proved nor clearly disproved, the case might be stayed till further light was shed on the matter. And this stay, or suspension of the case, might be continued for any length of time. There are instances on record of cases that, within the present century, were left undetermined for more than thirty years, the accused being all the while excluded from the enjoyment of Church privileges. During last century such instances of long-sisted procedure were of still more frequent occurrence. The only means of relief to which the person libelled had recourse, beyond appeal to the presbytery, was an "oath of purgation," and the benefit of that oath might be, and often was, refused.[2]

[1] "In 1693 one Muir of Bruntwood compeared before the Session of Galston, and having stated that in the lait tymes he had been induced to swear and subscribe the Test, 'did publicly, before the Session . . . express the sense he had of that horrid sin, and his willingness to make profession of the same in the most public place of the Church,' &c. . . . Soon afterwards, his name was placed on a list of suitable persons for the Eldership of Galston." ("Old Church Life," First Series, 284.)

[2] A confirmation of this statement will be found in the following minutes, extracted from the manuscript records of Mauchline parish.

"1696, November 8th. R. M. being called according to former appointment, and com-

For a long period kirk sessions seem to have had something like a *liberum arbitrium* in the way of dealing with *famas*. But their mode of procedure, on whatever customs or constitutions it was founded, was in its main features very uniform. It was, nevertheless, felt to be desirable that a definite order of process should be drawn up and enjoined by the supreme court of the Church; and in 1707 such an order was drawn up and passed into a statutory regulation. The principal clauses relative to *famas* in this form are the first, second, and eighth sections in the second chapter, and the tenor of these clauses is:—

"Members of kirk sessions are wisely to consider the information they get of scandals, and consult with their minister thereanent, even before the same be communicate to others, that thereby the spreading of the scandal may be prevented, and it may be removed by private admonition, according to our Lord and Saviour's rule (Mat. xviii. 15), which, if amendment follow, is the far better way of gaining and recovering a lapsed brother, whereas the needless spreading of a scandal does sometimes harden the guilty, grieve the godly, and is dishonourable to religion.

"When any business is moved in a church judicatory, whether by information, petition, or otherwise, they are in the first place to consider, whether the matter in its circumstantiate case be proper for them to enter upon, and whether it be orderly brought in, and proper for them to cognosce and discuss it themselves, or prepare it for superior judicatories: and should endeavour to shorten their work as much as with the edification of the Church they can, especially as to the head of scandal, but still on all occasions the office-bearers in the house of God are to show all prudent zeal against sin.

"There seems to be no need of accusers or informers in ecclesiastic processes, where the same are not raised at the

pearing, adhered to his denial, and again offered to purge himself by oath, but the Kirk Session, too much fearing that he was guilty, did not admit him to swear.

"1704, April 16th. J. M. appeared, and says he will take the oath in the tenor and words that the Presbyterie appointed.—(He appeared again and again without getting further satisfaction, till) December 3rd. J. M. after sermone appeared before the pulpit, and wes content to take the oath of purgatione, it being read to him by the minister, but the minister wes in such a consternation that he could not administer it till the next Lord's day.—December 17th. J. M. swore the oath of purgatione on his knees."

instance of a party complaining formally, but the party if cited by order of the judicatory is to answer the judicatory in what is laid to his charge; yet so, that if the party cited be found innocent and acquitted, those who informed the judicatory, whether the party require it or not, ought to be noticed, for either their calumny or imprudence, as the judicatory shall find cause."

What we have mainly to consider here, however, is the *practice* that has prevailed in the Reformed Church of Scotland, both before and after 1707, in reference to the treatment of *famas*. Whether it was founded on Acts of Assembly, or was the outcome of private sessional resolutions, this practice shows the way in which *famas* were actually dealt with in the Church.

In olden times it was held to be part of an elder's duty to delate to the kirk session every rumour he heard affecting the Christian character of any member of the congregation. In 1568 the elders in Aberdeen were specially sworn to faithfulness in the discharge of this duty. And long after 1568 it was customary at meetings of kirk sessions to make inquiry "if there were any public scandals known to any of the elders." Such a relentless way of exposing every peccadillo was no doubt meant to make the consequences of transgression so socially terrible that men should be frightened into good behaviour. It was nevertheless an advertisement of sin; and it is to be feared that by "spreading scandals it must sometimes have hardened the guilty, grieved the godly, and done dishonour to religion." Sins and scandals of every kind and magnitude were reported to the kirk session. Single instances of drunkenness were reported; so were domestic broils and scolding matches; so were breaches of the Sabbath; and so, in times of high political excitement and civil war, were acts of compliance with the enemy.[1] Sometimes, as at Edinburgh in 1574, people were

[1] The following will serve as examples:—

Drunkenness.—H. B., who compeared and confessed that he "had drunken aqua vytie, which had made him so madd as to stryk all that came in his gate." Kilmarnock (MSS), 1653.

Domestic broils.—J. R., "for the wronging of her goodfather by casting some peas at his face." Galston, 1647 (MSS.)

"The session being informed that A. W. had beat her mother-in-law, E. H., and particularly had wounded her in the head by a stroke with the iron tongs to the effusion of her blood," &c. Mauchline, 1713.

Sabbath breaking.—"Delated for vaging idly about the coal-heugh on Sabbath." Kilmarnock (MSS.), 1707. "Delated as scandalous in sending to several persons upon

delated for being usurers and "lenners of money for profeit." Sometimes, as at Edinburgh in the same year, frolicsome maidens were delated for "disagysing of themselves in welvot breikes, and dansing in menis clothing." Sometimes, as at Fenwick, in 1654, young women were delated for living alone without fitting and beseeming company. Sometimes, as at Rothesay, in 1660, information was lodged that some one "gangs with the faryes." Sometimes, as at Kilmarnock, in 1648, graceless fellows were delated "for cursing speeches against the minister."[1]

In the Order of Discipline, 1707, there is an entire chapter devoted to "processes which natively begin at the kirk session, but are not to be brought to a final determination there." In that chapter minute regulations are given for kirk sessions to observe in dealing with offences that are either in themselves very heinous, or have been aggravated by repetition. In regard to such cases the form of procedure in earlier times was not so strictly prescribed, nor was the relationship of the kirk session to the presbytery so well defined. Prior to 1645, when the Westminster form of church government was approved by the General Assembly, it was a moot point whether kirk sessions were separate constituent courts of the Church, or merely executive committees of presbytery. Baillie says, in one of his letters, that the Scots Commissioners at Westminster sent in to the great committee of the Assembly there a paper, "wherein they asserted a congregational eldership, for governing the private affairs of the congregation;" but that "Mr. David Calderwood had censured them grievouslie

the Lord's day, to come and switch her lint on Munday next thereafter." Kilmarnock (MSS.), 1689. "For scharping his yrons upon ane solemn fasting day." Kilmarnock, 1648.

Entertaining a Quaker.—Two men "for entertaining a quaker that had been expelled some other place for scandalous conversation. The session recommended to Bailie Tough to apply to the magistrates to take course with them, and to expel the quaker out of the town, which he did effectuallie, and prosecuted the quaker till he fled and left the place." Kilmarnock (MSS.), 1706.

Compliance with the enemy.—"P. G. delate for bearing company with tronpers and convoying Callender toward Machline Muir. . . . One of the bailies for "urging, stenting, poynding, and impersoning for the engagement, also for hindering the townsmen to ryse and help to chase the troupers." Kilmarnock (MSS.), 1648.

[1] In the manuscript records of Kilmarnock Session there is a minute, of date 1707, which states that "M. B. was delated for using unlawful means for the recovery of a beast," in asking a woman of whom she was jealous to lay her hand upon a sick mare and "sain it."

for so doing, showing that our books of discipline admitts of no Presbytrie or Eldership but one: that the Commissioners put themselves in hazard to be forced to give excommunication, and so entire government, to congregations, which is a great step to Independencie." And Bailie adds that Henderson acknowledged the force of Calderwood's remarks. Such being the state of opinion in 1644, it need not surprise us to find that at that date there were cases of discipline that came before Presbyteries not so much by way of reference or appeal from kirk sessions as by simple delation.[1] When a kirk session could make nothing of a man whom they had taken in hand to deal with, the minister reported the fact at the first meeting of presbytery thereafter, and then more cogent measures of discipline were adopted.[2] In the records of the Presbytery of Ayr it is minuted that, on the 27th September, 1643, a man was "delated for uttering of blasphemous speeches in his ordinar discourse, and for drunkenes," and his trial for these offences was appointed to take place at the next meeting of presbytery.[3] On the 4th June, 1644, two men were, in like manner, delated to the same presbytery by their respective ministers for offences that are usually left to the consideration of kirk sessions. One of the two men was a kirk officer, who was delated "for ordinar drunkeness," and the other was a

[1] That such presbyterial delations were not common, and were by many people considered not constitutional, may be inferred from the fact that no mention is made of them in "The Burthen of Issachar." The disciplinary functions attributed in that book (published in 1644) to presbyteries are much the same as those that are exercised at the present day. Presbyteries, it is said, have to deal with references by and appeals from kirk sessions, great crimes, and faults that infer excommunication, &c., p. 4.

[2] "Things which are proper and peculiar to one congregation, pertain to the particular eldership (*i.e.* kirk session): things which are common to many congregations pertain to the common (classical) eldership (*i.e.* presbytery). In case of small congregations, who have but few office-bearers, and those, it may be, not sufficiently able for church government, a congregation may not independently and by itself exercise jurisdiction." (Parker, quoted by Gillespie, in "Assertion of the Government of the Church of Scotland," pp. 124–5.) A phrase of Gillespie's is, "the Presbyteries of particular churches, which are in Scotland called Sessions" ("Assertion," Postscript, p. 3). In the Second Book of Discipline it is said to be "meit that some elders be chosen out of everie particular congregatione, to concurre with the rest of their brethren in the common Assemblie (Presbytery), and to take up the delation of offences within their awin kirks, and bring them to the Assemblie."

[3] When members of presbytery were themselves defamed they reported the defamation to their own court, as the following minute will show:—Ayr, 17th May, 1643. "This day in respect of a grievous complaint given in against D. G., servitor to Mr. William Scot, minister at Cuilton, by sundrie of the Brethren, the said Mr. William wes appoynted to produce his man (?) before the Presbytrie the nixt day, to answer for his blasphemous oathes, and for abusing of sundrie of the Brethren with godless and unreverend speiches."

country laird, who was delated for urging the session clerk "by threatening speeches and by holding a baston over his head" to grant him a certificate of penitential satisfaction. And so also, at a presbyterial visitation of Dalmellington, in 1647, "the minister of Carsfairne," who was not a member of presbytery, delated a Dalmellington man "for dryving of naut (oxen) by the said kirk on the Lord's Day in tyme of sermon."

In the Roman Catholic Church, at the present day, it is lawful for the ecclesiastical authority to receive and make trial of what are termed "denunciations."[1] These denunciations have to be presented in writing, and the denouncer must indicate the nature of his proof, and submit the names of the witnesses that have evidence to give. Anonymous denunciations are rejected "as calumnious and unworthy of belief." And if it turn out, on investigation, that a denunciation has been knowingly and maliciously made in falsehood, the denouncer will himself be punished as a calumniator. The word "denunciation" seldom, if ever, occurs in the judicial records of the Reformed Church of Scotland. But there is a practice analogous to denunciation frequently mentioned in old session records. One person would go to the kirk session, either from a sense of duty or from a feeling of resentment, and accuse another person of some particular sin. People, for instance, would complain of having been slandered by evil and false speeches, of having been robbed, assaulted, or bewitched, and they would submit to the session the name of the person by whom they had been injured; and accusations of this kind, if orderly lodged, were heard and examined. The most trivial, as well as the most serious, charges made in this way were listened to and investigated, so that justice might be fairly meted out to every complainant, and misconduct be censured and repressed. But a grave responsibility was imposed on the accuser. He was required to prove his case, under penalties in the event of failure; and these penalties had, under the name of consignations, to be laid down by the accuser beforehand, so that if the charge were found not proved, the exaction of the penalty should involve no trouble. One extract, of date 1682, from the records of a rural kirk

[1] Smith's "Elements of Ecclesiastical Law," i. 147–8.

session, will illustrate the procedure commonly adopted in cases of this sort:—"The supplication of B. E. being renewed, and the particulars specifiet, it's admitted relevant, and she is appointed to consign £2, and if she prove not the particulars laid to the delinquent's charge, she is to forfeit the £2, and the names of the witnesses are to be given in to the Clerk against the next Session."[1] And many were the instances in which, from failure or defect of proof, these consignations were forfeited for pious uses; showing that even the certainty of punishment will not restrain misguided people from making railing accusations.

In olden times there was, both in the Catholic and in the Protestant Church, a not inconsiderable amount of espionage. In the Catholic Church, before the Reformation, that espionage was directed chiefly to the discovery and seizure of what were reckoned heretical publications. So strict was this espionage that it was with the utmost difficulty, and at the greatest risk of personal danger, that the Reformers, before the Reformation was established, could get any of their writings put into print and scattered over the country. The printer had to work in secret; the author had to lurk in concealment; the bookseller had to study and practise strategy. There are few stories in history more romantic than the publication of the first printed Bibles in English. And in other matters as well as heresy there doubtless was in olden times, as there still is, a great amount of espionage in the Catholic Church in Scotland. The priest has a wonderful knowledge of all the ongoings in his people's houses. All the downsittings and all the uprisings of his people are known to him; and there is scarcely a word on the tongue of one of his congregation that is not heard by him afar off. But this espionage is only a one-man espionage—the priest has no assessor or colleague in this work. And, in respect of morals, this priestly espionage could not have been, in Scotland, very teasing in the days immediately preceding the Reformation. According to all

[1] These accusations, which at one period were very frequently brought before kirk sessions, were termed "bills," and the consignation was sometimes designated "bill silver," as the following minute (Galston MSS.) will show:—1633, 21st July. "Margaret Smyth gave in ane bill uppon Jonet Ritchmond, and consignit her bill silver in ye minister's hand."

accounts, Catholic and Protestant alike, the priests in Scotland at that time were themselves very loose in their lives, and they had no zeal either in the repression of vice or the promotion of purity.

When the Church became Reformed, a great zeal of righteousness and holiness at once sprang up; and in all local kirk sessions a most effective system of espionage was instituted. It was not till the days of the second Reformation that this espionage came to its height; although as early as 1560 it was declared, in the First Book of Discipline, to be one of the duties of elders to assist their minister "in having respect to the manners and conversation of all men within their charge."[1] And, from 1560 downwards, instances of ecclesiastical espionage are to be found in all extant records of kirk sessions. It was in 1648, however, that the espionage system in the Church of Scotland was perfected. That year it was ordained by the General Assembly that, as a remedy for the grievous and common sins of the land, "every Elder have a certain bounds assigned to him, that he may visit the same every moneth at least, and report to the Session what scandalls and abuses are therein."[2] And although it is said by Principal Hill, in his "View of the Constitution of the Church of Scotland," which was published in 1817, that the Church in the exercise of her temperate discipline never shows any "solicitude to engage in the investigation of secret wickedness,"[3] the statement must be considered as referring more particularly, if not exclusively, to modern times.

[1] That this duty was held to be the chief function of the parochial eldership appears from the following expression in the minutes of a rural kirk session (Galston), in 1647: "The Session did consider they had need of some more elders for watching over the manners of the Congregation."

[2] In 1600 the Kirk Session of Stirling ordained that "everie eldar and diacun be appointed to ane particulare portione of the tonne, quha salbe hauldin chieflie to tak attendance to the maneris of the pepill thairin." In 1616, during Episcopacy, the General Assembly "ordaynit that every minister give up the names of idle sangsters within their paroche to the Justices of Peace, that they may be callit and convenit before them and punischit as idle vagabonds."

[3] Midwives were at one time employed by kirk sessions in a way that would not be tolerated now. In the records of Mauchline Kirk Session the following minutes occur:— 1692, March 25. . . . "The midwife Margret Wat, being with her in her greatest pains, did challenge her if ever she had ado with any other man, and threatened that she would leave her to die in her pains if she would not tell the truth, and she cryed out and wished that she might never be better if any man was the father of that child but J. W." . . . 1786, May 18. "The Session, notwithstanding . . . denial, are informed that she is still believed to be with child, therefore order that she be inspected by

Long ago kirk sessions were extremely inquisitorial. This was particularly the case in the days subsequent to the second Reformation, when the discipline of the Church had reached its full development. In those days scouts were every night sent through all the ale-houses in every town and village to see if any person was either drinking or selling drink after "elders' hours."[1] Scouts were, in like manner, sent through every village every Sunday during divine service to see if any that should have been in Church were drinking in taverns.[2] In 1648 the session of Galston unanimously concluded and ordained that two of the town elders should, "each of them, night about, go visit the toune and Gatesyd on the Sabbath night, about seven hours, and see that none be in toune except the inhabitants thereof." At every fair or race there were elders told off to perambulate the market-place or the race-course, as the case might be, and report every immorality they saw or heard. Not a wedding or a merry-making could be held without ecclesiastical detectives being set to inquire into all that happened thereat, and inform the kirk session of the numbers present and the nature of the entertainment. And any

Mrs. Russell, midwife." Acknowledgment followed . . . 1795, July 26. "It is reported that she denies her being with child, notwithstanding the current report affirming the same; and as she owns that she intends leaving the place, the Session order their clerk to make out a representation of this affair, and lay it before Bailie Hamilton, praying for warrand to cause a midwife or surgeon to inspect her, and if she be found on inspection to be with child that she give security not to leave the place until she declare the real father of her child." Warrant was granted by Bailie Hamilton as craved, and confession followed. Minutes of similar purport appear in the kirk session records of Galston, &c.

[1] These scouts at that date were elders, as appears from the following minute of Galston Kirk Session:—5th January, 1640. "Ordained that William Black and Hew Hutcheson, Elders, quhilk might go throw the clachan at ten at night, and advertise the minister that the hour may be neir keiped." In respect that the duty on which these scouts were sent was a civil rather than a spiritual one, they were sometimes termed, in old records, "the civillisers."

[2] These Sunday scouts were usually elders also, and in some places, such as Kilmarnock, they continued till last century to make their tour of the taverns "forenoon and afternoon" every Sabbath. At an earlier period some kirk sessions seem to have thought that the civilliser's work should be done by civilians. Instead, therefore, of appointing elders to act as scouts, kirk sessions (Aberdeen, 1611) desired the magistrates to go through the town on preaching days and cause people to resort to sermons. In 1699 the Presbytery of Ayr recommended all sessions within the bounds of the Presbytery to apply to the civil magistrate and principal leading men in their respective parishes to relieve them of their civiliser's function, by appointing censors in place of elders "to go about, visit, and delate delinquents for cursing, swearing, drunkenness," &c., on week-days and Sabbaths alike. From what is stated in Wodrow's Collections. it would seem that in the mad times about the middle of the seventeenth century the Kirk Session of Glasgow had, for the discovery of breaches of the Sabbath, "clandestine censors, and gave money to some."

remissness on the part of elders in discovering and delating immoralities was not only censured by presbyteries, but complained of by the people. In 1718 a long complaint was given in to the Presbytery of Ayr by the parishioners of Maybole against their minister. One of the articles in that complaint was, that there was no delation in the kirk session "of immoralities on the streets and in taverns; and at untimely hours, in drinking, swearing, and the lyke; whether on the Lord's day or other days, . . . tho instances thereof have been seen in private persons, and elders too, to the offence of some." Complaints of this kind were encouraged by the courts of the Church; and people were informed that it was their duty to reveal to their elders all misconduct they heard of, so that the works of darkness might be exposed and condemned. Among other things that at one period people were desired to reveal to their elders was the authorship of poetical squibs. In the session records of Ayr, of an old date, there is a minute which declares that "in case ony persoun or persouns at ony time sall find, heir, or see ony ryme or cokalane, that they sall reveil the same first to ane eldar privatlie, and to na uther, and in case they faille therein in reveiling of the same to ony uther, that person sall be esteemed to be the authour of the said ryme, and sall be punished therefor, conforme to the Acts of the Kirke and ye laws of ye realm."

And it was not only every form of positive transgression that was searched out by elders and reported to kirk sessions, but every omission of religious duty also. We have seen that in 1639 the General Assembly ordered family worship to be established in every household. One kirk session, whose records at that date happen to be in good preservation, in its desire to obey the Act, minuted, in December of that year, that "to this end, for the better ordering heirof, and that this service be not neglectit in families, it is thought meit that ilk elder within the paroche, in his pairtis nixt about him, have ane special care and charge hereof, and see what religion, what prayer, what reiding, and what uther exercise of God's service they use in their house."[1] And so

[1] In 1642 the Presbytery of Ayr made a visitation of all, or nearly all, the parishes within its bounds, and in the record of these visitations there are references to the practice of family worship in different parishes. In Auchinleck the minister, after

recently as 1700 the Synod of Glasgow and Ayr passed an act, which was appointed to be read in all kirk sessions within the bounds, requiring elders to "make conscience of visiting families within their districts, exhorting heads of families to set up the worship of God in their houses, reproving those who neglect it, and delating them upon their continued neglect." This act did not soon become a dead letter either. In the records of the Presbytery of Irvine for 1723 there is a list of questions to be put to elders at privy censures; and among these questions are the three following:—"Do ye inform yourself of the conversation of your division, particularly whether they have family worship and attend ordinances? Do ye give account of what scandals fall out which deserve public censure? Do ye deal with their consciences who are guilty of such Escapes as do not deserve to be represented to the Session?" And that every kirk session's surveillance of its parish should be complete, all incomers were required to produce testimonials from the session or minister of the parish from which they had migrated. It was thus impossible for any scandalous person to conceal his shame by a discreet departure from the place that knew him. His disgrace followed him like a shadow. In that busy year of disciplinary legislation, 1648, the General Assembly ordained that "all persons who flit from one paroch to another (should) have sufficient testimonials." They appointed this rule also "to be extended to all gentlemen and persons of quality, and all their followers, who come to reside with their families at Edinburgh or elsewhere." For many a day after the passing of this act the want of such a testimonial put a man under scandal. Kirk sessions minuted in their records that they ordained this person and that person to be publicly declared scandalous, and not to be owned for parishioners till they produce sufficient testimonials. Some kirk sessions were very chary, too, about granting testimonials to people that wished a change of residence. As late as 1701 the Kirk Session of Galston minuted a resolution that all who

testifying that his elders "wer religious, godlie and discret men, and more willing to promove the work of God nor he wes himself, and that he had no complaint against the people, in dissobedience to God or to the Covenant," added, "that familie exercise wes established throw the parochen and practised." In Alloway the minister reported that "familie exercise had been exhorted to both in publict and in privat, and that it wes keiped."

neglected "the catechising" should be refused testimonials; and years after that date disreputable people without testimonials were ordered by kirk sessions, and by magistrates at the instance of kirk sessions, to leave, and had to leave, the parish in which, for a bite of bread, they had sought a humble settlement.[1]

The espionage of local courts was supplemented by presbyterial visitations of parishes. These visitations occurred at irregular intervals, and in some periods of the Church's history they were more frequent than at others.[2] They constituted a formal inquisition into the conduct of all the members and office-bearers in the congregation. First of all, the minister, after giving auricular proof of his pulpit gifts by preaching a sermon from "his ordinary text" (that is, on the subject which formed the logical sequence to the subject of his discourse the previous Sunday), was removed, and the elders were questioned about his ministerial diligence and manner of life. After the elders had been questioned regarding the minister, they were themselves removed, and heads of families were interrogated concerning the life and conduct of the several members of session. The precentor and beadle were, in like manner, put under inquisition; and the full circle of inquiry was subsequently completed by removing heads of families, and questioning minister and elders if they had anything to say about the congregation generally, or about any individual members of it in particular. The effect of these visitations was to expose some sins that sessions winked at, and to stimulate zeal where there was remissness in disciplinary work. In some cases the presbytery records of these visitations expressly bear that "the minister being removed, the session were charged to

[1] In 1691 the Kirk Session of Fenwick forbade all landlords in the parish to let their lands or houses to any persons that had no certificates from their former place of residence; and when a landlord, in 1692, declined at the session's order to put away his cottar, the session "resolved to commit the said (landlord) to the civil magistrate." ("Old Church Life," First Series, 214.)

[2] In 1638 the General Assembly thought it expedient that all parishes should be presbyterially visited once every year. Shortly after this date, therefore, we find a great run of visitations. In the summer of 1642 there was a visitation by the Presbytery of Ayr of all, or nearly all, the kirks in Kyle and Carrick. In the first week of this visitation, the presbytery met at Mauchline on Monday, the 16th May; at Ochiltree on Tuesday, the 17th May; at Auchinleck and Muirkirk, in two separate committees, on Wednesday, 18th May; and at Cumnock on Thursday, the 19th May. The following week other four days were devoted to the visitation of the parishes of Dundonald, Symington, Riccarton, Monkton, St. Quivox, and Ayr. The remaining parishes were overtaken later on.

declare what they had to say against him in his doctrine and discipline, life or conversation, and in all the poyntes of his ministerie," and thereafter that "the session being removed, the minister was requyred what concurrence they gave to him in the discipline of the kirk." Sometimes, as at Craigie in 1644, the parishioners complained that "discipline was not particularly exercised, nor order taken with sundrie persons who absented themselves on the Lord's day from the public worship."[1] Sometimes the minister, as at Alloway in 1642, in acknowledging the elders to be, "according to their knowledge and power, faythfull and assisters of him in the Lord's worke, desyred that they might be admonished for better keiping of the session." Sometimes regret was expressed by the minister that neither his elders nor his congregation were as mindful of their Christian duties as they ought to be. At Kirkoswald, in 1642, "it wes regrated by Mr. Johne that some of the parocheners refused to pay thair parts for the furnishing of the elements to the Communion, according to the decreit of the platt made thairanent; it wes further regrated by the minister that he had not such men upon the session as he wold wish, and that thair wer some of his elders who did not concurr with him in discipline, as also did not resort to the kirk of the paroch as they should, bot went elsewhere, or else remained at home in thair own houses on the Lord's day; and thirdlie, it wes regrated that the parocheners conveined not upon the Lord's day to the publict worship, ather in summer or winter as they sould do." The practical outcome of these pastoral regrets was, that "the gentlemen (landowners) were exhorted to cause thair tenants keip the kirk more frequentlie, and the elders lykewyse in their severall quarters of the paroche to concurr with the minister to that effect, or utherwayes, if they continued in

[1] The following extract from the record of the visitation of Ochiltree, in 1650, will show what the eldership had sometimes to say about their minister:—"The said Mr. Johne being removed, the eldership called in, being inquired what they had to say of their said minister, they did approve his life and conversation, but wished that he were more diligent in visiting the sicke, and that he would take more paines in his privat studies, desyred that he were exhorted to make a week dayes sermon upon the Thursday, that he would be more meeke, and abstein from hastie passione in examining his people, that in preaching to the tymes he would use more cleare and convincing arguments against the enemies of God and his cause, and that in his preaching he would speake more particularly to the conscience, state, and condition of the people, and finally, in respect of the infirmitie of his body, they would be content of a collegue to him." (Records of Presbytery of Ayr, MS.)

absenting themselves from thair paroche kirke, thair minister suld be transported."[1]

And there were other ways in which ministers in olden times stirred each other up to increased diligence and zeal in their pastoral and disciplinary work. Twice a year, immediately before the meetings of the provincial synod, they had in their presbyteries a special diet of privy censure. At this diet each member of presbytery, most candidly and lovingly, revealed to the court every word of gossip and rumour he had heard to his brother-minister's detriment. And if any of the rumours thus reported were found to have the least appearance of foundation, the minister thus defamed was thereupon exhorted and admonished, as was judged to be expedient for his own good and the good of his congregation. Frequently, or for that part usually, there were no evil tales to tell, and the following may be taken as a common form of minute on such occasions:—

Ayr, 12th March, 1645. "This day being the day of censure before the Synod, the whole brethren, ministers and ruling elders, present and absent, wer putt upon censure according to the order of the catalogue, and all for the most part approven. They were all exhorted to diligence in their callings, to preach twyse on the Sabbath, to use catechetick doctrine once in the week, to celebrat the sacrament of the Lord's Supper twyse in the year, to urge familie exercise and duties, and to be frequent in visitation of the people at all occasions."

Such honeyed expressions of mutual approval, however, were not always minuted at diets of censure. A presbytery that went to one synod with a certificate of health and soundness, might be humbled at the next synod with a mournful indictment of wounds and bruises and putrefying sores. On the 7th September, 1645, the Presbytery of Ayr were again under a process of self-examination and censure. On this occasion also, it was

1 At some of these presbyterial visitations disciplinary procedure was enjoined. For instance, at Auchinleck, in 1642, "it wes appoynted that sundrie persones delated by the minister to be fugitives from uther paroches without testimonials, as also suspect of witchcraft, as wes alledged, suld be discharged the parochen publicklie from pulpit." At Colmonell, in the same year, "warrant was givin to the minister and elders to tak tryell of a slander raised against" a laird and lady of high rank. And at Dalrymple, the same year, "the minister was ordained to proceed against J. M. with the last admonition to excommunication, for dissobedience to the decreit of the session against him, for drinking and making of bloaks (bargains) on the Lord's day ordinarlie." (Records of Presbytery of Ayr, MS.)

minuted that the whole brethren, present and absent, were "for the most part all approven" (*sic!*) But there were notable exceptions to this general rule. Political feeling was at that date abnormally excited, and men that were of honest report six months previously were loaded with calumnies almost too fearful to be quoted. One of the brethren was reported to be "aged and paralitick, and that notwithstanding he had bein seveine tymes admonished heirtofore by the presbytery for his scandalous cariage in drinking and tipling too frequentlie in aill-houses about the kirk, yet continewed still in that vyce, resorting ordinarlie both Sabbath day and week day in the aill house, and remaining theirin in the week day from morning to evening, except that a litle in the noon tyd he used to go home and tak a sleep, and therefter returned unto it." It was further reported of the "said Mr. John," that he was "a mocker of pietie, and of those who wer religiouslie dysposed; and that he had uttered, both publicklie and privatlie, sundrie malignant speaches against the work of reformation in this land, such as this:—'That he was sure that this wes not the cause of God for the which we wer fighting, for if it had bein the cause of God it had bein put to a poynt or now.'" Another of the brethren was reported to have "conversed frequentlie with a man knowen to be a perverse malignant, and a diligent factor for the rebells." It was also alleged that this brother forbore "to preach in the tyme of our frayes and troubles, altho he was desyred therto by the cheif of the paroche; and that he resset plundered goods in his house from the rebells and malignants, as sugger loaves." Other two brethren, colleagues in two united parishes, were "censured for neglecting the catechising of thair people, by doing the same once onlie before the Communion;" and to crown all, one of these colleagues had charges of misconduct brought against him, which led a few months later to his deposition "from the calling and function of the ministrie, ather in doctrine or discipline."

A strange practice that prevailed at one time in the Reformed Church of Scotland, was the exaction of an oath from people that they were innocent of particular sins of which they were neither formally accused nor reasonably suspected. It was chiefly on the eve of their marriage that people were subjected

to this inquisitorial oath. Both bridegroom and bride, before receiving the privilege of wedlock, were required to declare themselves by oath to be free of carnal dealings with each other. The evident reason of this apparently strange exaction was, that in marriage people solicited a spiritual privilege, which could not be extended to persons under scandal. In the First Book of Discipline it is stated that "if any commit fornication with that woman he requires in marriage, they do lose this foresaid benefit (of being admitted to marriage), as well of the kirk as of the magistrate." People were therefore, before marriage, required to purge themselves of scandal. It cannot be denied that this was "solicitude to engage in the investigation of secret wickedness;" but it was for many a day, over a hundred years, a practice in the Reformed Church of Scotland. In the records of the Kirk-Session of Perth there is an ordinance, of date 1585, "that all persons to be married give their oath the night before, under pain of 40*s.* Scots, or make their repentance public on the stool." As late as 1677 traces of this custom are found in the manuscript records of an Ayrshire parish.[1] The custom seems, however, to have been dying out about that date, as appears from the terms of the following minute:—"Both called before the session, compeared and desired to give ther oaths that they were free of carnal dealing with others, declaring solemnly they were free of each other. The session ordains them to be married without giving of oaths, as formerly was thought fit." And it was not only as a preliminary to marriage that oaths of innocence were exacted, but occasionally in regard to other matters as well. It is minuted, for instance, in the records of the same parish, that on the 11th October, 1635, "all the inhabitants of the Galstone, being summondit against this day, compeireit and purgeit themselves be their aith that nane of them tak, nor knew who tak, ane daill from ye kirk."

[1] The form of procedure before marriage is shown in the following minute in the kirk session records of Galston, of date 1644:—"Compeirit Johne . . . and purgeit himself, be his oath, that he was free of anie carnall deall with Agnes . . . And he and the said Agnes actis themselves to abstein frae all suspect places, and that they sall not keip house together all nyght until the tyme of the mariage, and that under the penaltie of ten punds each of thame in case they failzie, and hes giviu command to subscryve this act for them.

"Hector Campbell, notar, at command."

It was customary also for kirk sessions in olden times to exact cautions and demand bonds for good behaviour. These cautions and bonds were generally required of people after they had been convicted of some special offence. For instance, at a meeting of a rural kirk session, in November, 1646, one man acknowledged himself guilty of the sin of "untymous drinking." For this offence he was not only ordained "to give signes of his repentance in the publict place the next Lord's day, and to pay of penaltie 22*s.*," but he was required to "enact himself to abstein from the lyk under the payn of ten merks." On the same day, and before the same kirk session, two unmarried persons, man and woman, confessed themselves guilty of a conjoint sin, and for that offence they were not only appointed to pay a fine and give signs of penitence before the congregation, but to find caution "that they should abstein from any suspect carriage" with each other.[1] But even when no guilt was either confessed or proved, persons suspected of misbehaviour were required to come under obligations to avoid all appearance of evil.[2] In the same records as those from which the foregoing quotations are taken, it is stated that on the 23rd November, 1647, two persons "suspect" of a particular sin, "both denied the samyn, which, becaus it could not be gotten formally proven, the session interdyted the forsaid two of privat companie, or any fellowship save in kirk and mercat: and they enacted themselves to abstain from the forsaid fellowship under the payn of ten pounds."

We thus see what were the salient features of the two forms of surveillance over people's lives and conduct, that were exercised respectively by the Catholic Church in Scotland before the Reformation, and by the Protestant Church in Scotland after the Reformation. In the Protestant Church of Scotland, the surveillance was, from 1560 to 1800, far more oppressive than it ever was in the Catholic Church, except perhaps in very

[1] Security was required for many kinds of good behaviour. In 1628 a man appeared before a rural session, and "became cautioun and securitie for J. A., that she sould keip the kirk ordinarlie everie Sabath, and communicat in our Kirk everie yeir, she being within the parochin." In 1640 a man got a cautioner to the same session "to observe and keep good order with his wyff and leive in love with her as God's word doth allow." (Galston MS. Records.)

[2] In 1674 the Kirk Session of Kilmarnock thought "fitt that Bethia Hamilton be enacted no more to give physick or drinks to any with child, and that the Minister desyre all the weoman in the parish not to meddle with her prescriptions in physick."

early times. Of course the surveillance in the Reformed Church was not uniformly strict all through the long period embraced between 1560 and 1800. It is alleged to have been less rigid in the times of the first Episcopacy than it was in the succeeding times of the second Reformation. But under episcopal and presbyterial government its main features were the same. People's doings and movements were carefully watched by ecclesiastical censors. Almost every misdeed committed in a district was discovered by the ruling elder, and reported to the session. When elders failed to report a scandal, some one injured thereby occasionally turned up as an accuser. In some cases oaths of innocence were imposed for discovery of secret wickedness. The duty and advantage of confession were duly preached; and whether revealed by voluntary confession, exacted confession, or sworn proof, guilt, when once discovered, became "notour." In its theory the Catholic inquisition was the more gentlemanly. The duty of confession was pressed on men's consciences; and when confession was made it was made to the priest alone, and the tenor of it was never noised abroad. In some special cases, such as cases of heresy, people were put on trial, and then their alleged crimes were made public; but for the discovery of common sins the confessional was the only means employed.

And there was great difference in the zeal that the Catholic Church before, and the Protestant Church after, the Reformation displayed in the investigation of sins and scandals. According to Catholic historians, the Catholic clergy in Scotland, in the days immediately preceding the Reformation, were themselves very loose-living men. One of the canons passed at a provincial council held at Linlithgow, in 1549, ordained "the clergy not to keep their illegitimate children with them in their houses, to promote them to benefices, nor to enrich them from the patrimony of the Church." Speaking of the state of ecclesiastical affairs in Scotland ten years later—that is, in 1559, the year before the establishment of the Reformation—Dr. Bellesheim says: "It cannot be denied that the luxury, disorder, and dereliction of duty that characterised many of the Catholic clergy furnished only too plausible a pretext for the violent and lawless proceedings of their oppon-

ents." The Bishop of Aberdeen was at that date exercised on the question of ecclesiastical reform and the suppression of heresy, and he asked the advice of his chapter on the subject. The counsel he received was notable. Besides being urged to cause the clergy of the diocese, including the chapter, to break off their illicit connections and reform their lives, he was entreated to "show good and edifying example; in special, in removing and discharging himself of company of the gentlewoman by whom he is greatly slandered; without which be done, diverse that are partners say they cannot accept correction of him which will not correct himself."[1] From these statements it may be gathered that in the days immediately before the Reformation the clergy of Scotland had neither the power nor the inclination to convince sinners of sin. They lived in open scandal and were not ashamed. People saw that, and they would consequently not have brooked correction from their priests although it had been offered. They made confession with light hearts, very probably disclosing only what it was convenient to disclose, and withholding what they did not care to communicate; and as soon as they were washed, they (such at least as were inclined) returned to their wallowing in the mire.

CHURCH CENSURES.

In books of canon law the Catholic Church is proudly declared to be a State. There is said to be accorded to her by her divine founder the right of self-government, and that government is administered by the hands of her priests and prelates, the successors of the apostles of Christ.[2] Catholic canonists, however, are not content with making this remark concerning their own Church, but they add that Protestant Churches neither enjoy nor claim the privilege of autonomy. "Protestants," says the Catholic author on whose words the foregoing statements are specially founded, "contend that the entire power of the Church consists in the right to teach and

[1] Bellesheim, ii., 239.

[2] "Ex institutione Christi, Ecclesia est conjunctio hominum, quæ per homines, hoc est, per Petrum et Apostolos, eorumque successores, administratur cum imperio sibi proprio, nec aliunde dependente; ergo Ecclesia est Status." — *Soglia* (Smith's "Elements," vol. i., p. 82).

exhort, but not in the right to command, rule, or govern." This account of Protestant doctrine is not correct. It may be the doctrine of some Protestants, but not of all, nor of Protestants generally in this country. It is the doctrine usually attributed to Erastus, which, notwithstanding allegations to the contrary that are persistently made in some quarters, never had a place in the creed either of the Church of Scotland or of any considerable section of her ministers. Here is what Principal Hill says of Erastus, and of the views on Church government that Erastus held:—"It was his opinion, that the office-bearers in the Christian Church as such, are merely instructors, who fulfil their office by admonishing and endeavouring to persuade Christians, but who have no power, unless it is given them by the state, to inflict penalties of any kind. Everything, therefore, which we are accustomed to call ecclesiastical censure, was considered by him as a civil punishment, which the state might employ the ministers of religion to inflict, but which, as to the occasion, the manner, and the effect of its being inflicted, was as completely under the direction of the civil power as any branch of the criminal code. . . . It seems impossible for any person whose mind comprehends the whole subject, not to perceive that the (this) opinion is false. Even were the Christian society merely a voluntary association . . . it would possess the right which is inherent in the nature of all societies, of defending itself against intrusion and insult, and of preserving the character it chose to assume, by refusing to admit those whom it judged unworthy of being members, or by requiring them to depart."

The framers of the constitution of the Reformed Church of Scotland claim for her the same right of independent self-government as Catholic canonists claim for the Church of Rome. In the Second Book of Discipline (1580) it is said (cap. i. sec. 2), that "the kirke hes a certaine power grantit be God, according to the quhilk it uses a proper jurisdiction and government, . . . to be put in execution be them unto whom the spirituall government of the kirk be lawful calling is committed." And again (cap. i. sec. 8), "It is Christis proper office to command and rewll his kirk universal, and every particular kirk, throw his spirit and word, be the ministerie of men." In the

Westminster Confession of Faith (1647), it is still more explicitly declared (cap. xxx. sec. 1, 2) that "the Lord Jesus, as king and head of his Church, hath therein appointed a government in the hand of church-officers, distinct from the civil magistrate. To these officers the keys of the kingdom of heaven are committed, by virtue whereof they have power respectively to retain and remit sins, to shut that kingdom against the impenitent, both by the word and censures; and to open it unto penitent sinners, by the ministry of the gospel, and by absolution from censures, as occasion shall require."

The Reformed Church of Scotland, therefore, is as much a "status, cum imperio sibi proprio, quod per homines administratur," as is, or ever was, the Catholic Church. And not only is the infliction of censure part of her appointed office, but till within very recent times she was particularly zealous in the discharge of that duty.

In the administration of censures three objects are kept in view: the maintenance of the Church's purity, the reclamation of offenders, and the restraint of those that might, by the sight of unchecked sin, be tempted to do evil. For the attainment of these ends the officers of the Church are, in the Westminster Confession, directed "to proceed by admonition, suspension from the sacrament of the Lord's Supper for a season, and by excommunication from the Church, according to the nature of the crime and the demerit of the person." This statement indicates the procedure adopted by the Church of Scotland towards offenders, both before and subsequent to 1647, when the Westminster Confession was approved and received by the General Assembly.

The simplest and mildest of church censures is rebuke; and rebuke is laid down so clearly in Scripture as a duty for the Church to discharge on her erring children that we must suppose it to have been, in some way, exercised in the Church from the earliest period of her history. Our Lord himself taught His disciples, in express words, how they should deal with offending brethren:—"If thy brother," He said, "shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee

one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church: but if he neglect to hear the Church, let him be unto thee as an heathen man and a publican." This is the way in which Christ directed his disciples to deal with private faults; and in dealing with private faults, or faults that did not occasion very grave scandal, the Reformed Church of Scotland endeavoured to follow her Lord's direction. In the First Book of Discipline (1560) it is said: "If the offence be secret or known to few men, and rather stands in suspicion than in manifest probation, the offender ought to be privately admonished to abstaine from all appearance of evil, which if he promise to doe, and declare himselfe sober, honest, and one that feares God and feares to offend his brethren, then may the secret admonition suffice for his correction." And how much this private admonition was regarded as part of a ruling elder's duty, in the first days of the Reformation, is shown, indirectly indeed, but still clearly and fully, in the Second Book of Discipline, 1580, where it is said that elders "sould be diligent in admonishing all men of their dewtie, according to the rewl of the evangell: and things that they cannot correct be privat admonitions, they sould bring to the assemblie of the elderschip." In comparatively recent times it was thought fit, within the bounds of some synods at least, that kirk sessions should, at their meetings for privy censures, question each individual elder on his faithfulness in admonishing the people within his district of "such escapes as did not deserve to be represented to the session."[1]

It may be safely asserted that, in the evil days immediately preceding the Reformation, those that exercised the pastoral office in Scotland were neither zealous nor laborious in admonishing and rebuking privately. Few sins except heresy, and those that accompanied it, such as buying or reading transla-

[1] Questions appointed by Pres. of Irvine, in 1723, to be put to elders at privy censures. In the records of the Presbytery of Ayr there appears the following appointment (1723): "In order to comply with the act of last synod as to sessions' observing a day for prayer and privy censures, the ministers of Air are to draw up a formula of questions to be put to members of session." These meetings of session for privy censure of their members were of very old standing, and in some of the records of them which are still extant we find individual elders desired by their brethren to "be mair diligent and carefull over the maners of the people" (St. Andrews, 1596).

tions of the Bible, were much regarded by the clergy. People sinned and made confession; did penance and bought indulgences; and were then favoured with a bill of remission. And with these formalities people and priests were alike satisfied. But with the Reformation there came a great revival of zeal in godliness; and admonition thus acquired in the Reformed Church a place it had not occupied in the Catholic Church since the earliest ages of Christianity.

Besides private and informal admonitions, which ministers and elders were to be constantly addressing, in season and out of season, to the careless, admonitions of a more formal character were appointed by the Church for such of her members as had fallen into sins that occasioned public scandal. It was when admonition was given in this formal manner that it became, strictly speaking, a church censure. And there were two ways in which formal admonition was given to offenders: sometimes it was given in the church court, in presence of the kirk session or presbytery; and sometimes it was given in public, in face of the congregation. Of these two kinds of formal admonition the sessional was the lighter and less humiliating censure. And yet it was not a light matter. The offender had to listen to a reprimand in the presence of six or twelve men, to whom he was probably personally known, and whose good opinion he was very unwilling to forfeit. His compearance for rebuke was, moreover, inserted by the session in their register *in perpetuam memoriam rei*, so that hundreds of years after his scandal was removed his transgression should remain uncovered.

The kind of offences that, in the latter half-period of the Reformed Church's history, were judged fit to be visited with sessional rebuke, and nothing more, are specified in the Form of Process, 1707. They are *relapses* in such sins as drunkenness, breach of the Lord's Day, disobedience to parents, swearing, cursing, scolding, fighting, lying, and stealing. "Ordinarily in all such offences, the guilty for the first fault should be spoken to in private by the minister or an elder, and admonished; and on promise from a sense of guilt to amend, they may sist there. But if the person *relapse*, he should be called before the session, and if found guilty may be there

judicially rebuked: where the session, on promise from a due sense of sin to amend, may again sist." It is stated, however, that while in ordinary cases this mild and dilatory procedure should be adopted, "single acts" of the fore-named sins "may be clothed with such circumstances as may be a just ground of process immediately, and even bring the persons guilty under the censure of the lesser excommunication." It will thus be seen that for *first* offences, of the kind above specified, there was no hard-and-fast line of discipline laid down in the Form of Process, 1707. A single act of drunkenness or of Sabbath-breaking might, according as it was supposed to be clothed, or not clothed, with aggravating circumstances, either be passed by with a private admonition or be visited with a sessional and even public rebuke. It may be presumed, therefore, that where there was so much latitude allowed to kirk sessions subsequent to 1707, discipline would be exercised with different degrees of leniency and severity. Previous to 1707, the discipline in the cases of minor offences,[1] although more rigid than it came to be after that date, was regulated by the same elastic and judicious principle of sessional discretion. The following minute from the records of the Kirk Session of Fenwick, 1692, shows on what grounds of expediency the sentences of church courts sometimes rested:— "The Session finding the scandal (of swearing) not verie flagrant through the whole parish, and that the witnesses cannot prove anie thing effectuallie more than (the accused) confesses, and he being of a stiffe, proud humour, unanimouslie resolve that he shall onlie be rebuked before the Session." And long before 1692 kirk sessions were in the way of modifying their censures, according as offences were clothed with extenuating circumstances, and as leniency or severity was judged to be the more expedient. In 1653 a man

[1] In the First Book of Discipline, 1560, drunkenness, fighting, and swearing are included in the list of heinous crimes, for which the offender should be "called in presence of the minister, elders, and deacons, . . . (where) if signes of unfaigned repentance appear in him, and if he require to be admitted to public repentance, the minister may appoint unto him a day when the whole kirk convenes together, that in presence of all he may testify his repentance." In 1599 the town officer in Perth was found guilty of drunkenness and brawling on the Sabbath; and for these offences he was appointed by the kirk session "to come the next Sabbath to the kirk door, barefoot and in linen clothes, and to stand from the second unto the third bell, and thereafter come to the place of public repentance," &c.

accused of drunkenness confessed to the Session of Kilmarnock that he had taken some "*aqua vytie* which had made him so madd as to stryk all that cam in his gate." This was a case not only of intoxication, but of intoxication accompanied with violent behaviour, and it might have been supposed, in those days of disciplinary zeal, to call for severe censure. It is minuted, however, that "this being the man's *first* fault, and the session being desirouse to gaine him, he wes only rebuked." People, nevertheless, both before and after 1653, were sometimes subjected to public admonition for offences that would now be reckoned trivial. The records of Mauchline parish show that, in the years 1674 and 1675, one man had public censure passed on him for "cursing the elders and swearing;" another for "fighting and scolding;" two for driving a cow along the road on the Sabbath, "about the ringing of the second bell;" one for "selling ale until four hours in the Sabbath morning;" and another for "slandering" a neighbour with a charge of perjury. Sometimes public rebukes were appointed by kirk sessions to be administered to a whole class of the community, for some public scandal of which they had all in common been guilty. In 1702 the Kirk Session of Mauchline "appointed the minister to give a public rebuke to all the brewers in the town for selling drink beyond the ordinary time of the night."

When a judicial reproof was judged a sufficient testimony by the Church against any particular offence, proceedings came to an end on the offender's submitting himself to the session's sentence; but if the offender would not submit to reproof in a becoming spirit, it behoved the session to take further course against him. One thing they invariably did was to refuse him certain church privileges till he gave them satisfaction. They might, perhaps, not go so far as to suspend him, by a formal sentence, from the enjoyment of sealing ordinances, but they would refuse him all the ecclesiastical privileges that it was in their power to grant or withhold. As far back as 1574 the general kirk of Edinburgh ordained that no person who has incurred scandal, shall before he has satisfied the Church thereanent presume to present himself at the holy table; or if he do, he "sall not only be raisit therefra," but shall be

required to give further satisfaction for his presumption. This refusal of church privileges was a severe privation, but if any one felt aggrieved by it he might seek redress by an appeal to the presbytery, and from the presbytery to the synod and Assembly. And such appeals were sometimes made. In 1570 a complaint against a minister was given in to the General Assembly by a blacksmith, because the minister had debarred the blacksmith from the Lord's table for removing "ane shoe off ane horse upon ane Sunday afternoon, when neither preaching nor publick prayers was." And the result of this complaint was, that "after long reasoning the said (blacksmith) was ordainit to be receavit to the participation of the Lord's table, and uther benefites of the kirk hereafter, notwithstanding of the alleadgit fault." As Dr. Hill remarks, however, it was "comparatively a rare thing that a man pushed himself forward (to the Lord's table) in opposition to the wish of the minister, and of the other members of session. It thus happened that, without any formal procedure, privileges were often withheld for a time from those who had given offence by the levity of their conduct, or their disregard of the ordinances of religion."[1]

For very paltry offences, too, communion privileges were refused. In 1772 a woman in an Ayrshire parish, being "charged with entertaining a vagrant beggar, and furnishing her with drams, was ordered to be summoned to attend the Session to answer for the same." What the result of that summons was, does not appear in extant records; but for several years subsequent to 1772 the name of the woman stands on the list of those to whom tokens were to be refused, and the only charge appended to her name is "entertaining vagrants." Very interesting are some of these lists of scandalous persons, as showing what kinds of sin were held long ago to exclude people from sealing ordinances. On the Mauchline list for 1782 there are considerably more than sixty names, which is much beyond the usual number on the black list of that parish last century. Roughly speaking, about half of these names are the names of persons accused of the conjoint form of iniquity which is the most frequent subject of sessional investigation. Of the other names, five are the names of persons

[1] "Practice in Church Courts," 12.

charged with a breach of the seventh commandment in its literal sense; eight, of persons accused or suspected of petty theft; two, of men delated for fighting; two, of dissenters guilty of schism; two, of men whose offence is called irregularity; two, of "soldiers," who from that designation may be presumed to have had no certificates; one is the name of a man pronounced contumacious, another of a man found to be ignorant, and a third of a woman who bore a "bad reputation." Many of these names had stood for years on the black list, notwithstanding the annual "intimation that was made from the pulpit, for all persons under scandal within the parish, to apply immediately to the session to get their scandals removed, according to the rules of the Church." But all the offences above enumerated were, independently of accompanying disrespect to sessional authority, judged sufficient to exclude from church privileges, as appears from the following resolution appended to the list in 1781:—"After reading the names of scandalous persons excluded from the sacrament, the Session resolved that the foresaid persons shall, as soon as convenient after the celebration of the sacrament, be summoned to answer to the Session, not only for their respective scandalous behaviour which excludes them from sealing ordinances, but also for their continued impenitence in their sins."

And it was not only after a scandalous sin had been proved against a man that he was refused church privileges. As soon as any *mala fama* regarding a member of the congregation was reported to the kirk session, and the session considered that the *fama* called for investigation, the person so delated was, pending investigation, disallowed the enjoyment of communion with his brethren. On the black list of 1782 referred to in last paragraph, stand the names of two women who had each been refused a token for five successive years, one "for stealing a hen *as alleged*," and the other for being "*suspected* of having given birth to a child." In these cases there was presumption, but no proof, of guilt; and not only were these cases far from being singular, but there are many cases of much greater hardship on record.[1]

[1] In the "Burden of Issachar" (1646), Bishop Maxwell accused the Presbyterians in Scotland of "bringing shame upon many young women on groundless suspicion, of

In olden times kirk sessions in Scotland did a great deal more than refuse the benefits of Communion to *individual* persons convicted or accused of special offences. Occasionally they took on themselves to withhold for years the sacrament of the Lord's Supper from the whole congregation under their charge. This they did on the ground that they considered the congregation was not in a fit frame of mind for taking part in that solemn and comforting ordinance. Sacramental interdicts of this sort were very common during the times of the Protesters. At a meeting of the six sessions of Edinburgh, in 1652, it was concluded that the Communion "cannot convenientlie be celebrate, as is now thought, till there be a lawfull judicatorie of the kirk to determine anent the present course of defection carried on amongst us, anent the Covenant, and what censure it deserves." Accordingly, in parishes where Protesting ministers were settled, the sacrament of the Lord's Supper was, on account of the alleged sins of the people, left unadministered for years. In Stirling, where James Guthrie was minister, the congregation was for nine years prior to 1657 denied the benefit of sacramental Communion. And many similar instances are on record, not only during the troublous times of the seventeenth, but during the still times of the eighteenth century. In 1716 a minister in Ayrshire reported to his presbytery that the Communion in his parish had been hindered through "disorders occasioned by some irregular ministers that came into his bounds." In other words, the whole parish was held to have been so much demoralized by the divisive courses of these itinerant preachers, that it was not warrantable to convene the congregation to a banquet of love. One of the special grounds on which the General Assembly, in the year 1705, deposed the minister of Urr was, that he had neither "dispensed the sacrament of the Lord's Supper to others, nor partaken thereof himself for more than sixteen years." And, again, the reason why this minister would not celebrate the Communion in his parish was, he said, because "communicating

putting them in prison till they confessed their secret sins, and of forcing them to clear themselves by oath in the congregation of needless jealousies." These allegations are declared by Baillie to be "but a prelatical calumny." It is only when "pregnant presumptions are delated" against a man that he is required to clear himself of scandal. ("Historical Vindication," 1646, 23.)

with persons scandalous made people guilty of communicating unworthily."

And Communion was not the only privilege that kirk sessions withheld from people that were under scandal, or suspected of scandal. From time immemorial it has been, and it still is, the custom in the Reformed Church of Scotland to disallow parents under the scandal of uncleanness to present their children for baptism. Strictly speaking, any offence that would exclude a man from Communion should exclude him from the privilege of sponsorship for a child. And in olden times there were different offences that did exclude a man from that latter privilege. Ignorance was held, as it still is held, to be a sufficient ground for exclusion. But for such sins of omission as not attending diets of catechising, some kirk sessions, long ago, refused people the privilege of holding up their children for baptism.[1] And, sooth to say, there were many persons to whom denial of this privilege did not matter much. Among their friends and neighbours they could easily find a sponsor. But there were other privileges in which people were less willing to be represented by substitutes. One of these was the privilege of marriage; and this privilege was at one time refused by the Church of Scotland to all persons under scandal.[2] In 1644, during the reign of Presbytery, some ministers in the district of Strathbogie were censured for marrying persons that were under church obloquy; and in 1668, during the reign of Episcopacy, a minister in the stewartry of Kirkcudbright was actually suspended from the exercise of his ministry for (along with another offence) granting a man under gross scandal the benefit of marriage. A more curious illustration, however, of the Church's practice in withholding from people, on account of their misconduct, the honour and happiness of wedlock will be found in the records of the Kirk Session of Kilmarnock. In November, 1648, a man was ordered to begin his course of public repentance for the sin of killing his sister.[3] The follow-

[1] "Old Church Life in Scotland," Second Series, 223.

[2] In a published minute of St. Andrews Session, of date 1582, the following occurs:—"All benefit of the kirk in time coming, viz. baptism, the Lord's Supper, and marriage."

[3] In the famous Act of Assembly anent Remedies of Corruptions and Enormities, 1648, it was ordained that persons guilty of incest or murder should be required to make public profession of their repentance "fifty-two Sabbaths, *in case the magistrate do not his duty in punishing such crimes capitally.*"

ing February he had so far satisfied the session that he was allowed to subscribe the Covenant, and a month later he "was *licensed* by the session *to have the benefite of* the Communion and *marriage* as occasion should serve, lyk the rest of the parochiners."[1] And there was another privilege still that was denied to persons under scandal. This was the privilege of a testimonial on leaving their parish. Without such a testimonial a man became practically excommunicated in the new parish to which he migrated. Sometimes people, for want of such certificates, were refused a settlement in the place to which they removed. And certificates were occasionally refused for offences that do not seem grossly scandalous. An Ayrshire kirk session, which in 1700 refused baptism to a child because its father neglected the diets of catechising, refused also to allow testimonials to people that were guilty of the same neglect.

It may be said that this practice of withholding ecclesiastical privileges, although answering a disciplinary purpose, was scarcely in the strict sense of the term a church censure. It may be questioned whether in certain circumstances, where guilt was only suspected and no contempt of authority was shown, refusal of a token could be construed to mean more than a caution or an advice not to ask for privileges. The censure that comes in when admonition fails is a sentence of excommunication in some form. This means the exclusion of a man, for either a definite or an indefinite period, from the benefits of sacramental ordinances. It is a form of censure that has ever been in use both in Catholic and Protestant Churches. It is also founded on Scriptural authority. St. Paul directed the Church at Corinth to excommunicate the incestuous man who had there, by his abuse of the doctrine of Christian liberty, brought on Christianity a very grievous reproach. The same apostle himself excommunicated Hymenæus and Philetus. One of these sentences, however, was speedily recalled. The incestuous man at Corinth showed signs of penitence, and was, by apostolic order, restored to the privilege he had lost. It came therefore,

[1] The benefit of marriage was sometimes by the Church refused on grounds that were as justifiable as they may seem comical. In 1594 (1595 new reckoning) the Presbytery of Glasgow minuted that in respect of a certain man's being "in greit det," they could not order a claimant of his hand and heart "to be mareit upone him."

in early times, to be a question how long sentences of excommunication stand in force; and with that there arose another question, what amount of deprivation sentences of excommunication carry? The rise of these questions led to the recognition of grades of excommunication. Some ecclesiastical authorities contended for three grades, and others for two. The twofold division of excommunication into greater or lesser, is the one that at the present day is generally recognized. In the Roman Catholic Church, the lesser excommunication means exclusion from the eucharist and the prayers of the faithful; the greater excommunication, on the other hand, implies rejection not only from the eucharist, but from the precincts of the church and the society of Christian people.

In Knox's Book of Common Order, 1567, there is no mention of any censure corresponding to lesser excommunication; and Bishop Maxwell, in his "Burden of Issachar" (1646), makes it one of his articles of indictment against Presbyterians, that "they know not much, at least use not much," that spiritual censure. In Rutherford's "Due Rights of Presbyteries" (1644), it is said, p. 283, that "our divines from Scripture make three degrees of excommunication, the first (and lowest) of which is a debarring from the Lord's Supper."[1] This censure, Rutherford remarks, "is not judged a delivering to Satan or excommunication" proper, but it goes by the name of "the lesser excommunication." And in keeping with this remark of Rutherford's is the statement in the Westminster Confession of Faith, that the censures of the Church are, admonition, *suspension* from the sacrament of the Lord's Supper for a season, and excommunication from the Church.

In the Form of Process, 1707, lesser excommunication is specially mentioned as one of the forms of church censure. And long before that date the term was used, occasionally at least, in the courts of the Church of Scotland. In the records of Mauchline parish the following minute occurs under date 1681, during the ministry of an indulged Presbyterian:—"This day W. W. . . . is appointed to appear in publick place

[1] The other two grades of excommunication, according to Rutherford, are: "II. A delivering to Satan, the greater excommunication; III. Maranatha, in the Syriac, is utter cursing till Christ's second coming."

of repentance the next Lord's day, which if he disobey, the minister is allowed to passe the sentence of minor excommunication against him." It is commonly held at the present day that, under the Form of Process, 1707, kirk sessions, in dealing with profane swearers, drunkards, and such like, may of their own accord proceed orderly "till they inflict this censure." It is, says Dr. Alexander Hill, "the highest censure which kirk sessions usually inflict."[1] There are cases, however, in which kirk sessions are not at liberty to proceed to this sentence without presbyterial sanction. The form of process directs that "with respect to scandals whose grossness makes it necessary to bring the persons guilty oftener than once before the congregation, the rules prescribed by the fourth Act of the General Assembly, 1705, are to be followed." These rules forbid the infliction of a summary sentence of lesser excommunication on the transgressors referred to. The delinquents are, first of all, to have it judicially declared to them by the session "that they have rendered themselves incapable of communion with the people of God in sealing ordinances." They are next to be publicly rebuked (whether they appear penitent or not), and painfully instructed by the session, so as to be brought to a proper sense of their sin and a serious resolution of new obedience. And then, in the third place, when pains have been taken with them "for some competent time for their instruction and conviction, and they still remain grossly ignorant, insensible, and unreformed, the minister and elders are to advise with the presbytery of the bounds, and if the presbytery shall see cause, the sentence of lesser excommunication shall be publicly pronounced against them in face of the congregation."[2]

[1] If the lesser excommunication means only suspension of church privileges, it may be asked wherein does it differ from the refusal of privileges, previously referred to, for alleged scandals? The suspension in the one case was only pending trial of scandal and course of discipline connected therewith; the suspension in the other case was a sentence pronounced after trial and sessional dealing with the delinquent were closed.

[2] The following extracts from the manuscript records of the kirk session of Kilmarnock will show the steps that were taken by church courts in their procedure towards lesser excommunication after the Form of Process. April, 1707, was passed into an Act:— "1707, October 2nd. The session, considering J. R.'s scandal now sufficiently proven, and her contumacy, unanimously resolved that she should be rebuked publicly, and laid under the sentence of lesser excommunication, and that the presbytery's advice should be taken thereanent." . . . 16th October. The minister "reported that the presbytery had approven the session's procedure with respect to J. R., and advised to put the sentence they had resolved on in execution, which the session unanimously agreed to, and appointed

The greater excommunication was, as the name implies, a much severer censure than the lesser. It was, as the Scottish Reformers said, "the greatest and last punishment belonging to the spiritual ministerie." It behoved, therefore, that so high a censure should be proclaimed with solemnity. In the order drawn up by Knox it was accordingly ordained "that nothing (should) be attempted in this behalfe without the determination of the whole Church." And by "the whole Church" was meant, in that ordinance, not the General Assembly, as the supreme court of the Church representing the Church at large throughout the kingdom, but the local congregation. In its first days, during the lifetime of Knox, the Reformed Church of Scotland was much more democratic than it came afterwards to be, when its polity was shaped and settled by Melville. While in the Second Book of Discipline (1578), it is the presbytery that is declared to have power to excommunicate the obstinate; it is said in the First Book of Discipline (1560), that it is "by the mouth of the minister, consent of the ministry, and commandment of the Kirk," that this power is to be exercised.

Originally the sentence of excommunication was allowed to be executed more summarily in some cases than in others. Crimes that by the law of God deserve death, such as murder, adultery, sorcery, witchcraft, and open blasphemy, were held fit to be followed more promptly with excommunication than were minor offences, like reversion to papistry, long continued absence from the sacraments, and contempt of church authority. These summary excommunications, however, were subjects of frequent complaint, and in the General Assembly they were often brought up for review. For his rash excommunication

their officer to cite her to the kirk on Sabbath next for that effect, and that her sentence should be execute whether she appear or not." . . . 20th October. "Rebuked J. R. for calumniating her neighbour E. S., and for her contumacy, and intimat that she was laid under the sentence of lesser excommunication *by the presbytery.*"

Previous to the passing of Act of Assembly, IV., 1705, the Kirk Session of Kilmarnock seems to have inflicted sentences of lesser excommunication without advice or order from the presbytery. The following minutes, of dates 10th and 13th August, 1704, appear in the records of that parochial court:—"The session, considering what pains had been taken to reclame them, yet all to no purpose, unanimously resolved and concluded to proceed against them with church censures, and to lay them both under the sentence of lesser excommunication, and the same to be intimated to the congregation next Sabbath." The parties above referred to "appeared both on the pillory, the said John not being absolved from his first scandal, nor the said Bessie from her second, and did intimate to the congregation that both were laid under the sentence of lesser excommunication."

of the Earl of Angus, one minister was, in 1590, ordained by the Assembly "to confesse his offence to God, and to the said nobleman, in presence of the congregatione, on ane Sabbath day, at the kirk where the said sentence was pronuncit: and the sentence reducing the said proces to be publicklie intimat be ane brother in audience of the congregatione."[1] And to prevent invalid and oppressive sentences of excommunication from being rashly pronounced, special regulations were from time to time issued by the Assembly. In 1597 an interim Act was passed discharging summary excommunications altogether, but ordaining that in the case of great crimes, "publick intimation of the same be made, and the committer thereof be suspended *a sacris*, and prohibite *privato convictu*."[2] At the Glasgow Assembly, 1610, at which full-blown Episcopacy was thrust on the Church, it was ordained "that no sentence of excommunicatione be pronuncit againes any persone, without the knowledge and approbatione of the Bischop of the diocie, quho most be answerable to his Majestie for all formall and impartiall proceedings therein: and the process being found formall, the sentence to be pronuncit at the directione of the Bischop, be the minister of the paroche quhere the offender dwells." This excellent rule has been practically retained in the presbyterial Form of Process, 1707, by the substitution of the word "presbytery" for bishop,

[1] To the great horror of those that claimed for the Church unlimited spiritual independence, a sentence of excommunication was, in 1576, reduced by the civil authority. The Moderator of the Assembly and the Commissioners from Clydesdale were that year summoned "to compear before my Lord Regent's grace and the Privie Council, bringand with them the act of ordinance, made be the Assembly, for excommunicatione of the Captaine of Craufurd, with the act quhairupon the same proceedit, that the verity might be knawen." The Moderator and said Commissioners, in accordance with the Assembly's directions, obeyed the summons; and, on returning to the Assembly, they "declarit that in respect they produced not the acts and ordinances forsaids, quhilks they excused be schortnes of the charge and occupation of the clark, his grace and council hes suspendit the said sentence of excommunicatione, quhill the productione of the saids acts. Quhairfore they protestit for the libertie of the Kirk."

[2] In 1590 summary excommunication was allowed by the Assembly, on notoriety of horrible crimes, such as murder, adultery, and incest. In 1595 the King craved from the Assembly the abolition of summary excommunication. The Assembly delayed definite answer, but ordained that, "in the meantyme, none of the ministrie proceid to excommunicate, without citation preceding, *nisi periclitetur ecclesia aut respublica*." In 1648 the Assembly ordained that persons often guilty of gross scandals should be "excommunicat somewhat more summarly nor in an ordinary processe."

In their zeal for the repression of impurity, presbyteries sometimes went beyond the liberty accorded them in the infliction of summary excommunication. In 1593 the Presbytery of Glasgow ordained "A. B. to separat C. D. furthe of his companie quhill he obtein license to be mareit on hir, or ellis to be excommunicat the nixt Sondaye be the minister."

so that kirk sessions are prohibited, as indeed they were by the Second Book of Discipline, from passing to the highest censure of the Church without the presbytery's order.

In all excommunications other than summary, the order 1567 appointed a long course of affectionate dealing with the offender to be faithfully observed. Admonitions, both private and public, were first to be used, in order to bring him to repentance. "The Sunday after the third public admonition, the minister, being before charged by the session or elders, was thus to signifie unto the Church, after sermon:—It is not unknowen to you, with what lenitie and carefulnesse the ministrie and the whole Church, by publick and privat admonitions, hath sought A. B. to satisfie the Church, and to declare himself penitent for his greevous crimes and rebellion, by the which he hath offended God's majestie, blasphemed his holie name, and offended his Church, in whom to this day we find nothing but stubbornness. We are compelled, therefore, in the feare of God, to give the said A. B. into the hands and power of the devill,[1] to the destruction of the flesh, if that by that meane he may be broght to the consideration of himself, and so repent, and avoide that fearfull condemnation that sall fall on all inobedient, in the day of the Lord Jesus." But the sentence was not there and then pronounced. That Sunday and the next two Sundays public prayers were made "for the conversion of the impenitent man;"[2] and it was not till after the last of these prayers had been made, and "the obstinat appeared not to offer his repentance," that the threatened censure was actually inflicted. The order appointed in the Form of Process, 1705, is in its main points very similar to that of 1567. After intima-

[1] Strictly speaking, excommunicates were not, in the Reformed Church of Scotland, delivered to Satan; they were secluded from the fellowship of the kirk in prayers and sacraments, but not from the hearing of the word (First Book of Discipline, cap. ix.) In other words, the Church did not deprive them of all the means of grace. The *mortalis prohibitio* of the ancient church was a true delivery to Satan, and excluded a man from sermon as well as prayers.

[2] In old records of church discipline, the first part of the process of excommunication is called "proceeding against (a man or woman) with admonition;" and the second part of the process, "proceeding by prayers." For instance, in the records of the Presbytery of Ayr (MS.) it is stated that, on the 23rd August, 1643, "M. M'C., in Muirkirk, called, not compeirand, ordained to be proceidit against with admonitione." After the intervention of three Sundays for admonition, the presbytery on 13th September, having called the said M. M'C., who did not appear in response to that call, "ordainit that he be proceidit against by prayers."

tion from the pulpit of the church with which the offender is connected, "that the presbytery intend to proceed to the highest censure, . . . there should," it is declared, "be three public admonitions, and a presbytery should intervene betwixt each admonition." If, notwithstanding these remonstrances, the offender continue impenitent or contumacious, the presbytery are then directed to appoint public prayers to be made for him in his own church, "three several Sabbath days, a presbytery (where its meetings are more frequent) intervening between each public prayer, both to show the Church's tenderness towards their lapsed brother, their earnestness to have him reclaimed, and likewise to create a greater regard and terror of that dreadful censure, both in the party and in all the people."

In the registers of particular kirk sessions there are not very many cases of greater excommunication fully recorded. But there are a few, and in these we can trace the process of admonition first, then of resolution to proceed to excommunication, then of public prayers on three several Sabbaths, and finally of pronouncing the sentence. In many cases, however, there is no intimation in the extant records that the several steps in the process were orderly taken, but there is reason nevertheless to believe that in these cases all the steps were taken as the Form of Process directs. For instance, in the records of Mauchline parish there is a minute, of date 1751, December 19, in which it is stated that the Presbytery of Ayr having considered depositions submitted to them, "did unanimously find it clearly proven that J. P. had been guilty of cursing his mother in very shocking terms, and otherwise using her most barbarously and undutifully: and considering likewise his contumacy, did unanimously agree that he be summarily excommunicated. And therefore the Presbytery appoint Mr. Auld to intimate the said sentence of excommunication, between and the next meeting of the Presbytery, when he is to report his diligence." The only other notices of this case in the session records are the following:—1752, March 22. "As to J. P.'s affair, the minister reports that the Presbytery ordered that he be peremptorily summoned to next meeting of Presbytery, on the last Wednesday of April; with certification that, if he appear not, the Presbytery will proceed to judge in his affair;" and, 1752,

July 5. "This day J. P. was, according to appointment of Presbytery, laid under the sentence of the larger excommunication." It will thus be seen that nearly seven months elapsed between the date of the presbytery's resolution that this J. P. "be summarily excommunicated" and the date on which the sentence was executed. The prescribed prayers between meetings of presbytery for the man's reclamation were doubtless offered in his parish church during this long interval.[1]

The social and political consequences of excommunication, even in the Reformed Church of Scotland, were at one time very severe. In the ancient order of excommunication, 1567, not only was the excommunicate publicly declared to be cut off from the body of Jesus Christ, but after the sentence was solemnly pronounced the minister was directed to "admonishe the Church, that all the faithfull doe hold the excommunicat as an ethnick: that no man use his familiar companie."[2] Those that presumed to disregard this instruction, and would "not forbear the company of persons excommunicat," were declared to be themselves subject to excommunication. And how rigorously the Church executed her ordinances against the entertainers of excommunicated persons may be gathered from the following deliverance of the General Assembly, 1582:—"The Assemblie ordayns James Montgumrie to make publick satisfactione and repentance in the paroche kirk of Glasgow, for speaking with Mr. Robert Montgomrie, after his excommunication dewlie intimat, in respect of his confessione, and to acknawledge his

[1] Sentences of excommunication were intimated far and wide. The following minute occurs in the records (MS.) of the Presbytery of Ayr:—"1643, 26th July. This day a letter wes presented from Mr. Johne Nave (Nevay), minister at Newmilles, shewing that he had excommunicat one J. F. his parochener, who dwelt in Lowdon hill, and wes fugitive from the censures of the Kirk for the sinne of murther committed by him. And therefore the Presbyterie ordained that intimation of the said J. F. his excommunication suld be maid throw all the kirks of the Presbyterie." In the same records it is notified, 25th April, 1644, that a letter had been received from the Commissioners of the General Assembly "requyring that intimation suld be maid with all diligence, in all the kirks of the Presbyterie, of the excommunication of George, Marquis of Huntlie, and his adherents, for their unnaturall insurrection and raising of armies in the north; quhilk was condescendit unto." In the First Book of Discipline (1560), it is said that "the sentence of excommunication must be published universally throughout the realme." In later times a less degree of publicity sufficed.

[2] "After which sentence may no person (his wife and family only excepted) have any kind of conversation with him, be it in eating and drinking, buying and selling, yea in saluting or talking with him; except that it be at commandment or license of the ministerie for his conversion; that he, by such means confounded, seeing himself abhorred by the godly and faithful, may have occasion to repent, and so be saved." (First Book of Discipline, 1560, cap. ix.)

offence thair, promising in tyme coming to abstaine from the lyke, under the pain of the censures of the kirk."[1] Nor was the Church content with this measure of severity; but time after time she made application to the civil power to load the excommunicated with civil penalties. In 1566 the Assembly appointed "some of the brethren, in name of the haill Kirk, to make supplication to the Lords of Secret Council and Session of Justice, that no excommunicat person have process before their honours, unto the tyme they be reconciled to the Kirk." In 1600 the Assembly, with the King's own advice, drew up certain articles to be craved of the next convention for taking order with Jesuits, Papists, and Seminary Priests. One of these articles craved "that all excommunicat Papists be chargit to satisfy the kirk, within the space of thrie moneths, under the payne of hornyng, and if they failzie, to be denuncit thereto that their escheits and lyfe rents, in caice of year and dayes rebellion, may be intromittit with be his Majestie's Thesaurer." Still later, in 1608, the Assembly overtured the King, "that excommunicat Papists, especially such as be of ranke, be apprehendit and put in close ward, and none have accesse unto them except such as are of religione presently profest."

In hot times sentences of excommunication were frequently witnessed in Scotland. Before the Reformation people were excommunicated for holding Protestant tenets; and after the Reformation Catholics were excommunicated for not conforming to Protestant rites. In the days of the second Reformation, Episcopalians were excommunicated for holding doctrines and using ceremonies which, by a long stretch of interpretation,

[1] On March 30, 1649, the commissioners of the kirk wrote to Charles II., then at the Hague, regarding Montrose, in the following terms:—"We do represent in the name of the Kirk of Scotland their earnest desire, that such as lie under the sentence of excommunication may be discountenanced by your Majesty and removed from your court; especially James Graham, late Earle of Montrose, being a man most justly, if ever any, cast out of the Church of God. It hath been the custom of Christian Princes in all places and times, to maintain so far the discipline of all Churches which themselves did protect by their laws, as to decline the familiar conversing with every one whom the highest censure of excommunication made as Ethnicks and Publicans" (Baillie's "Letters," vol. iii., 512). It is curious to find Baillie, in speaking of the civil penalties attached to excommunication in Scotland, say, first, there is no "civil hazard to any . . . who will suffer himself to be brought to any measure of repentance. Secondly, were they never so impenitent there is no harm can come to them a whole year after the long process and final sentence of excommunication. Thirdly, after a year's contumacy, though the letter of the Act of Parliament be heavy, . . . yet (few or none) have been hurt in their goods, imprisoned, or banished." ("Historical Vindication," 59.)

were declared by the Church to be abjured in the anti-papistical covenant of 1580.[1] A few years later, public men, such as Montrose, Middleton, and Strachan, who acted a political or military part in antagonism to the wishes of the majority in the Church, were similarly excommunicated. And in the fierce and furious days of the second Episcopacy, while the ruling powers were busily engaged in suppressing nonconformity, the nonconformists were privately taking their revenge by excommunicating the King and his chief agents in the persecution. In respect both of ecclesiastical warrant and ecclesiastical form, this last-mentioned act of excommunication was, like "the thundrings of that Roman Antichrist, but vanitie and winde." The vain sentence was, nevertheless, pronounced; and the person that pronounced it claimed for it both legal and spiritual efficacy.[2] The words he is reported to have used were: "I, being a minister of Jesus Christ, and having authority and power from him, do, in his name and by his spirit, excommunicate and cast out of the true Church, and deliver up to Satan, Charles II., King, &c.: and that, upon the account of these wickednesses," &c.

It may be asked whether ecclesiastical courts have ever, in Scotland, taken on themselves to inflict either fines or corporal punishments. Catholic writers declare that the censures of the Church are chiefly spiritual, as, for instance, excommunication, suspension, and interdict. But some Catholic writers contend that "the Church can inflict temporal and corporal punishments" also.[3] It seems to be a question, however, whether it is mediately or directly that they can inflict punishments of this kind. One respected authority on canon law says it is certain that the Pope and Œcumenical Councils can, "if the necessity of the Church demands, require a Catholic ruler to impose even capital punishments:" and he adds, it is by no

[1] Baillie writes that in Scotland excommunication is a "very dreadful sentence, and therefore very rare;" only a few trafficking priests, five or six prelates, one Brownist, &c., having been excommunicated there within the last forty years. ("Historical Vindication," 58.)

[2] This procedure was utterly at variance with the constitutions of the Church of Scotland. "The Church of Scotland," says Baillie, "notwithstanding all the cross actions of King James or King Charles against her, . . . did never so much as bethink herself of drawing against any of them, or any of their kindred or special servants, the sword of church censures." ("Historical Vindication," 20.)

[3] Smith's "Elements of Ecclesiastical Law," i. 90.

means certain that "they cannot directly exercise this power" without the intervention of a civil magistrate.

In the First Book of Discipline (1560) there is a chapter entitled, "For punishment of those that prophane the sacraments, and contemne the word of God, and dare presume to minister them, not being thereto lawfully called." In that chapter the Reformers remonstrate to the Lords of Council, "that, without delay, strait lawes be made against the one and the other of such persons." They go the length of saying also that although they dare not prescribe what penalties should be required of such, they "fear not to affirme that the one and the other deserve death." It will thus be seen that the Scottish Reformers did not claim to have the right of imposing temporal punishments on men for profaning the sacraments. They admitted that the appointment of civil punishments must come from the civil state. Twenty years later it was declared, in the Second Book of Discipline, that one of the offices of a Christian magistrate in the Kirk is "to assist and mainteine the discipline of the Kirk, and punish them civilly that will not obey the censure of the same, without confounding alwayis the ane jurisdiction with the uther." A different doctrine has been imputed to the Church of Scotland at different periods of her history. After the abjuration of Episcopacy by the General Assemblies of 1638 and 1639, one of the excommunicated bishops charged the Presbyterians with usurping civil authority and ecclesiastically inflicting civil punishments. This charge was vehemently denied by Baillie in his "Historical Vindication of the Government of the Church of Scotland;" and the statement that Baillie makes on the subject is well worth being quoted, as a singularly clear and curious declaration of the principles and practice of the Church with regard to the censure of delinquents. "No church assembly," Baillie says, "assumes the least degree of power to inflict the smallest civil punishment upon any person; the General Assembly itselfe hath no power to fine any creature so much as one groat. It is true the lawes of the land appoint pecuniary mulcts, imprisonment, joggs, pillories, and banishment for some odious crimes, and the power of putting these laws in execution is placed by the Parliament in the hands of

the inferior magistrates. . . . Ordinarily some of these civill persons are ruling Elders and sit with the Eldership. So when the Eldership have cognosced upon the scandall alone of criminal persons, and have used their spiritual censures only to bring the party to repentance, some of the ruling Elders, by virtue of their civil office or commission, will impose a mulct, or send to prison or stocks, or banish out of the bounds of some little circuit, according as the Act of Parliament or Council do appoint it. But that the Eldership should impose its ecclesiastical and spiritual power for any such end none of us doe defend."

In accordance with this theory of sword and keys, there was for a long time a strange arrangement in the courts of the Reformed Church of Scotland. There were certain fines and punishments prescribed by Act of Parliament for certain moral offences, as uncleanness and profanity; and it was directed that the fines levied for these offences should be applied for pious uses. To secure the benefit of these fines as easily and as expeditiously as possible, kirk sessions endeavoured to obtain from the sheriff a commission in favour of one of their number to act as session bailie. This person sat in the session in both an ecclesiastical and a civil capacity. He was both an elder and a magistrate; and thus when a man was convicted before the session of any offence punishable by fine or imprisonment at the word of a magistrate, the session bailie exacted the penalty. It may be said to have been in the perfervid days of the second Reformation[1] that this institution flourished most. Traces of it are to be found in earlier periods of the Church's history; but for many years before the second Reformation the custom had, in some parishes at least, fallen into desuetude. At the second Reformation the custom was revived, and it continued more or less in force from that date till near the middle of last century.

In 1648 the General Assembly recommended that use should be made of the Act of Parliament, 1645, "for having magis-

[1] By "the second Reformation" is meant throughout this section the Reformation of the Scottish Church from Prelacy in 1638. It extended from 1638 to 1661. Bishop Maxwell, in his "Burden of Issachar," applies the phrase to the work of Melville, 1578–1592; but that work is rather the second stage of the first Reformation than a second Reformation.

trates and justices in every congregation," and that "each magistrate in every congregation exact and make compt to the session" of the sums payable, according to Act of Parliament, for the several offences liable to fine. Fifty years later the office of session bailie had, in some parts of the country, become practically defunct again, as may be gathered from the following order, minuted by the Presbytery of Ayr in 1698:—"Each minister in the Presbytery is to use his endeavours to have a magistrate in their paroch elected by the session, having deputation from the sheriff, according to law." In November, 1700, the presbytery found that a session bailie had been appointed in most of the parishes within their bounds. But for some reason or other, there was more reluctance on the part of elders to accept the honours, and undertake the obligations, of magisterial office than the presbytery anticipated. At a presbyterial visitation of the parish of Riccarton, the minister reported that "any who were pitched upon would not condescend to be their session bailie." And for this *hauteur* there was perhaps more reason than appears on the surface of the record. In December, 1700, the presbytery found it expedient not to press the appointment of magistrates in sessions, "till a new Act of Parliament thereanent (should) come forth more full to make the nomination of the magistrates effectuall."[1] In the adjustment of the revolution settlement, the laws for enforcing the judgments of the church courts by civil authority had been "adroitly cast out." Hence the need of a new Act of Parliament. But the desiderated Act never came. In 1717 a deputation from the General Assembly went to London to demand a restoration of these laws, "but the statesmen repelled the proposal with a brief emphasis."[2] Ayrshire ministers, however, seem to have thought that local authority was still ample enough to give commission to elders to act as magistrates for the Church. In 1723 the Presbytery of Ayr appointed a committee of their number "to wait on the Earl of Loudoun, principal sheriff, to try if he would give a deputation to some fitt person in each session within the bounds who have not magistrates in the

[1] In the records of Kilmarnock kirk session (unprinted), there are minutes of the election, year after year, at the commencement of last century, of "church magistrates."
[2] Burton, vol. viii.

paroch already;" but the committee reported that "his lordship advanced some difficulties he had." From that time forth the office of session bailie in the west of Scotland may be said to have become a thing of the past.

How the ecclesiastical and civil offices were administered together in the Church of Scotland will be best illustrated by extracts from session records of different dates. In 1564 a woman appeared before the kirk, or, as would now be said, the Kirk Session of Canongate, Edinburgh, and made a confession to her discredit; whereupon it was minuted that "the bailies assistane the assemblie of the kirk ordanis hir for to depart furt of the gait, within forty-eight hours heirefter, under the pain of schurging and burning of the scheike." In 1600, the Kirk Session of Stirling were exercised over a troublesome member of their congregation. The result of their conference was, that they thought "meit that the bailleis put hir in the brankis, in the nather end of the toun, in the sycht of hir nychtbouris, . . . with certification gif the lyk be fund in hir heirafter, that the bailleis wilbe desyrit to put hir in the govis." Shortly after the passing of the General Assembly's recommendation, 1648, that there should be magistrates in connection with every church, there was a curious resolution minuted by the Town Council of Glasgow, which shows how zealously the Assembly's advice was taken up by the public. At a meeting of that corporation in 1649, it was agreed that warrant be given to certain persons "quha ar upon the session, that they, in absence of the present magistratis, have commission to exerce the civille power requirit against delinquentis, and uthers lyable to censure, that come before that judicatorie."

But there can be no doubt of the fact that, rightly or wrongly, lawfully or unlawfully, the Reformed Church of Scotland, both in presbyterial and episcopal times, did often dispense with the services of the session bailie, and did by her kirk sessions ecclesiastically impose fines and corporal punishments. The following minute occurs in the records of the Presbytery of Glasgow, under date February, 1592, just four months before the civil, and more than ten years after the ecclesiastical establishment of Presbytery in the Church:—"Absent fra his kirk this lang tyme bygane, to haif contravenit his obligatiounes

quhairin he obligat him, under the pane of ten merkis, to keip his kirk on Sondaye to heir Goddis word, is decernit to pay to the thesaurer of his kirk the said ten merkis, and to make repentance in his kirk, . . . and that he find souertie under the pane of ten poundis, to be present to heir Goddis Word on the Sondaye in tymes coming." A year later, when Presbytery had by law been fairly established and settled in the Church, the following minute occurs in the register of the same court:—"And that scho paye to the thesaurer of hir kirk pecuniall sowmes as hir minister and elderis sall prescryve the said nixt Sondaye."[1] It was a very common practice at one period for kirk sessions to require persons charged with scandal to "satisfy the kirk both in penalty and repentance." In the records of an Ayrshire parish this expression occurs over and over, between the dates 1626 and 1646. The kirk session of that parish, too, sometimes required delinquents to pay their appointed penalty before they were admitted to the privilege of making open profession of their penitence.[2] And down to a period within the memory of people still living, fines for sin have been exacted by kirk sessions. Indeed, notwithstanding what the exponents of the Church's doctrine of discipline have been at the utmost pains to make clear, that "the censures of the Church are not to be used (or regarded) as a bodily punishment or penance to satisfy for sin, but a spiritual medicine for humbling and gaining of the soul," many kirk sessions have jumbled penitence, penance, and penalty together as if they were all the same thing, and any one of them could be substituted for the other. In 1637, the Kirk Session of Galston were petitioned by a delin-

[1] The following minute in the MS. records of Galston shows how kirk sessions not only exacted, but fixed the scale of penalties:—1627, 7th March. "The quhilk day ye session bes ordained that in all tyme coming ther salbe chargit for penalty from ilk fornicator the sowme of twenty-sax shillings. eight pence money, for ye first falt; from ilk profainer of ye Sabbath, and from ilk slanderer of his neighbor ye sowme of twenty shillings money for ye first falt; and ye said penalties to be dowbled als oft as ye offenders are relapse in ye forsaids falts." Presbyteries, too, were in the way of referring the amount of penalty to the discretion of sessions, as the following extract from the MS. records of the Presbytery of Ayr, 1643, will show:—"And for thair penaltie they were remitted to the session of Symington."

[2] One of the charges that Bishop Maxwell, in his "Burden of Issachar" (1646), brings against the presbyterian discipline in Scotland, is that "before the delinquent be admitted to doe his repentance, he is fined in a pecuniary mulct at their (the session's) discretion, . . . which, if he pay not, or at least give security for the payment of it, . . . he will not be admitted to satisfy publicly." Such prepayments occurred in the episcopal period before 1638, as well as in the presbyterial period after that date.

quent to "licentiat him to stand in the permitted place in his ordinary habit, and enjoin him to pey the greater penalty."[1] The kirk session minuted a very ingenuous confession that they were sorely in need of "present moneyie," and they resolved accordingly to close with the offer, and enjoin payment of 40*s.* extra, besides the cost of "ane sheit, quhilk wes gevin to a puir dead bodie." So recently as 1809, a motion was made, and unanimously agreed to, in another kirk session in Ayrshire, that for constructive breaches of the seventh commandment, "they should abolish public appearances before the congrégation, and substitute therefor a larger fine with sessional rebuke."

In the infliction of corporal punishments, as well as in the imposition of fines, kirk sessions frequently dispensed with the bailie's services. In the session records of Dunbarton there is a minute, of date 7th May, 1620, in which it is stated that a man was "ordained to satisfie according as a relapse, and because he has no gear to pay his penaltie, ordained to be punished in his body by prisonne and the joggis conforme to the act."[2] The act here referred to was doubtless an act of session; for in other records we find acts of a similar tenor passed by kirk sessions. In 1628 it was ordained by the Session of Galston that "gif nather the man nor the woman be responsible (that is, have gear or money), they shall stand

[1] Penalties were very heavy when imposed for each of several offences. In 1648 a person was convicted by the Kirk Session of Kilmarnock for uncleanness *and* profanation of the Sabbath. For these scandals he was appointed to "stand two days and pay 93*s.* 4*d.*" (One would have expected the fine to be 53*s.* 4*d.*, that is four, and not seven, merks.)

[2] In old session records "imprisonment" figures among the sentences of the local church courts. In 1599 a man was ordained, by the Kirk Session of St. Andrews, "to be imprisoned in the steeple till he find caution to make repentance." Sederunts "in the joggis" were sometimes, also, by that primitive kirk session, ordained to be continued for twenty-four hours (Lee's "Lectures," vol. ii. 406–7). In 1604 the Kirk Session of Ayr ordained that Sabbath breakers should be "put in the thefis hoal." At Perth, in 1585, a man and a woman were taken in the fact of a conjoint sin on the first Sunday of the holy Communion. For this offence, aggravated by the sanctity of the day on which it was committed, the kirk session ordained that they should be "carted backwards through the town, having paper hats on their heids, on Saturday next at ten hours before noon, and thereafter be locked fast in the front on the cross-head, and there stand till three afternoon, and thereafter be warded till Sunday, at what time the officers shall convoy them with their paper hats to the public seat of repentance, that there they may confess their sin."

It was alleged against the Presbyterians in Scotland by some of their Episcopalian critics that in kirk sessions they sometimes ordered the heads of delinquents to be rounded. On this allegation, Baillie, in his "Historical Vindication" (1646), makes the following remarks:—"That either in Scotland, or anywhere else in the world, the haire of any person is commanded to be cut by any Church judicatory, for disgrace and punishment, is (as I take it) but a foolish fable."

twa several Sabbaths in the bradzane." Twelve years afterwards there appeared before that session a poor creature who was found to be not "responsible," and accordingly, "not having silver to pey her penalties, the Sessioune ordainit her to stand in the bredzane, conforme to their former act maid thereanent." Instances without number could be cited to the same effect. Two grades of humiliation, if not of censure, were in somewhat ambiguous terms meted out by the Kirk Session of Kilmarnock in 1650, to a reckless fellow who had been found guilty of two offences. This man "being summoned for abusing and stryking of his wyff, compeiring, abused the Session with his tongue, . . . for which he is ordained presently to stand in the jouges; and for stryking of his wyff is ordained to stand two days and confesse his sinne."[1]

That the discipline of the Church of Scotland, from the Reformation down to nearly the middle of the present century, was very rigid, not only in respect of espionage, but in respect of censure, is unquestionable. Looking to this fact, we can scarcely wonder that some good men, thinking the courts of the Church, in their zeal of God, sometimes withheld from the people for insufficient reasons the benefit of religious privileges, proposed to the divines at Westminster that the offences which justify exclusion from the Lord's table should be specified in the constitutions of the Church. To this proposal, which was termed Erastian, the Westminster divines would not consent. The hands of the Church, they virtually said, must not—in the exercise of discipline—be tied. And in

[1] In olden times kirk sessions were not a little troubled by the irreverent pranks of mischievous boys, as well as by the sinful and scandalous conduct of grown-up men. For the corrective discipline of turbulent youths, different courses of procedure were at different times adopted by local church courts. In 1621 the Kirk Session of Perth did not think it necessary, in such small affairs, to invoke the aids of civil or municipal authority. One of the merchants of that city made a complaint to the session that on New Year's Day he was abused by two youths, "and certain others their sociates, young professed knaves, casting of their bonnets at him in the kirk" The boys were instantly apprehended, "and presented before the Session for their insolency." By order of the session they were thence "taken to the grammar-school and scourged with St. Bartholomew's taws." Fifty years later the Kirk Session of Kilmarnock took a more constitutional course with young offenders. On the 22nd March, 1677, "ther came in ane complaint that in tym of divine service ther used some young lads to gather together in corners of the kirk, and did fight and play, and used to creep under the furmes and prick men with pins, and wer a great prejudice to their hearing that sat nixt to them." The kirk session discreetly remitted the matter to the bailies, and appointed detectives to watch under the lofts and report to the bailies the names of lads that were found working mischief.

the matter of receiving to, or debarring from, the Lord's table, the Church has always exercised a *liberum arbitrium*. Her terms of admission have been changed from time to time. Three years after the adoption of the Westminster Directory the General Assembly enacted that all persons before their first admission to the Communion must subscribe the Covenant. To people living in the nineteenth century this requirement must seem a very great stretch of authority. It was adding to the word of the Lord an unauthorized commandment, and cursing with a grievous imprecation where God had not cursed. But both in its variableness and severity the discipline of the Church of Scotland was always, in olden times, respected by her members. It was believed to be strictly honest, and to represent the convictions of men who desired to walk in all the statutes and ordinances of the Lord blameless. And except when dealing with political questions of the hour, or the ecclesiastical controversies of the age, the courts of the Church were never, even by their enemies, suspected of partiality. They were severe in reprimanding all offences, venial or mortal; and they were strict in debarring from the Lord's table not only those persons that were convicted, but those also that were suspected, of scandal. To this severity, however, it was very rare that members of the Church took exception. As a rule they gave it credit for being well-intentioned: they cheerfully submitted to it as what they believed to be, in its main features, just; and they acknowledged that it tended to foster in congregations a high notion of Christian life. On one occasion, little more than a century ago, in the year 1760, a man in the west of Scotland complained to the Presbytery of Irvine that he had, by the Session of Kilmarnock, been excluded from the Lord's table on a mere suspicion of his being guilty of a great sin. The answer of the presbytery was notable as illustrating the principle on which this part of the Church's discipline was based. The complainer was informed that "what the Session had done was in tenderness to him, and that when he communicated it ought to be with the love and regard of his fellow Christians."

Whether the system of public rebuke, which for more than 250 years was in vogue in the Reformed Church of

Scotland, was altogether for edification may well be doubted. At the present day it would certainly do more evil than good. It would pierce the hearts of the sensitive with insufferable anguish, and would furnish material for ungodly mirth to the scoffing and profane. But the case was different long ago: there was less refinement of feeling then; lords and ladies advanced to the place of rebuke as gaily as cavaliers to the mouth of the cannon, and instead of being afflicted with sorrow unto death, they afterwards looked the world in the face with new-born confidence, because they had done what was honest and honourable—stood the censure that was proportionate to their sin, and received from the whole congregation in their parish a certificate of atonement. And whatever may be said in disparagement of the old discipline of the Reformed Church of Scotland, the fact remains that by that discipline the national life was for more than 250 years fashioned and nurtured, and many of the best peculiarities of Scottish character at the present day are in part the outcome of that discipline.

It may be remarked, too, that rigid and severe as was the discipline of the Reformed Church of Scotland, down to the present century its forms of procedure were framed on what were believed to be lines of tenderness. Censures were seldom inflicted hastily. On the contrary, they were often executed with most tedious dilatoriness. On many persons overtaken in faults private admonition was tried first, and it was only when this mode of dealing failed to evoke penitence that public rebuke was resorted to. And when members of the Church were found guilty of very grave offences, rebuke was added to rebuke, and public prayer renewed Sabbath after Sabbath, before the dreadful sentence of excision from the body of Christ was pronounced. To delinquents this process may have been painful and humiliating, but like prolonged surgical treatment, it was designed to avert a greater sorrow. In the old constitutions and records of the Church, therefore, much is said of the Church's tenderness to her wayward children. In her discipline there was a blending of severity and grace; and it depended on the point of view from which the matter was regarded whether the

grace or severity seemed the more prominent. Offenders thought the discipline severe, administrators called it mild.[1]

PENITENTIAL SATISFACTION.

Between church censure and penance there may seem to some people little difference. As commonly apprehended, penance means pains and humiliation, wearisome labours and self-sacrifice; and it may be supposed, therefore, that penance is only one of the forms of church censure. Penance and censure, however, are not the same. A censure is a penal sentence passed on a delinquent by a church court or an ecclesiastical judge: it is an act of the court's or of the judge's, and it is passed without the offender's consent. On the other hand penance is an act of the offender's own; it is supposed to proceed from his own contrition; it is an overture on his part to make peace with the Church; it is a request for absolution. The granting or appointment of it is, accordingly, a concession by the Church; and admission to it is a favour or privilege which the offender is expected to appreciate. So far from being a censure, it is in the Roman Catholic Church declared to be a sacrament.

In the earliest days of the post-apostolic Church penance was always done in public; and it was only when Christians fell into very great transgressions that penance was sought. "For the first four hundred years of the Church's history, the three great sins of idolatry, murder, and adultery, or such as were closely allied to them and clearly fell under the same category, were in general the only crimes punished (*sic!*) by public penance."[2] And it was only after long and fervent entreaty that persons guilty of these sins obtained a place of repentance. The favour had to be craved from the bishop, and with the utmost stretch of earnest supplication. Outside the door of the church the fallen man took his stand, clothed in sackcloth and covered with ashes; and as the worshippers filed past him he threw himself in the dust and cried for mercy. When

[1] In 1660 General Monk intimated that in his opinion Presbytery, if not rigid, but moderate and tender, was the most expedient form of church government for Scotland. This remark was thought at the time by Presbyterians to be both strange and ungenerous. "It sounds harsh in the ears of honest men," said Robert Douglas, "to hear Presbytery, the ordinance of Jesus Christ, reflected on by the epithet of 'rigidity.'"

[2] Smith's "Dictionary of Christian Antiquities," p. 1599.

the bishop came at length to be satisfied with these evidences of contrition, he sent a deacon to the door to invite and bring in the dejected man. With the imposition of holy hands the bishop then admitted the offender to penitence, and opened up to him a hope of pardon and salvation. Long before the Reformation, however, public penance had ceased to be made in the Catholic Church. There was still penance done, but it was in private, and it was for all kinds of offences, small as well as great. And although the theory had developed that penance is a punishment or payment for sins, it was still represented as a privilege which sinners should solicit for the benefits it brings.

In the Reformed Church of Scotland the word penance was strictly avoided by careful writers, and the term penitence used instead.[1] All the same, however, there was in the Reformed Church a theory of penitential confession similar to what we have just described. Penitential confession was held to be a privilege, to which only those that were worthy should receive admission. In the Form and Order of Public Repentance (1567) it is stated that "none may be admitted to publick repentance, except that first they be admitted thereto by the session and assemblie of the ministers and elders; in the whiche they ought sharplie to be examined, what fear and terrour they have of God's judgments, what hatred of sinne, and dolour for the same, and what sense and feeling they have of God's mercies; in the which, if they be ignorant, they ought diligentlie to be instructed. For it is but a mockage to present such to publick repentance as neither understand what sinne is, what repentance is, what is grace, nor by whom is God's favour and mercie purchased."[2] In 1565 the General Assembly ordained that no particular minister should "admitt to repentance" such as "are relapse the third tyme in any kinde of cryme," but should send them to the superintendent of the diocese within which the crimes were committed, in order to obtain "sic injunctions

[1] In printed copies of some old session records of the Reformed Church the word penance occurs. In Dunbarton Kirk Session Records, for instance, there is the following minute, of date 1668:—"J. A. entered to penance upon the public plaice in sackcloith, for the scandell of," &c.

[2] In the First Book of Discipline (1560), cap. ix., sec. 5, it is said: "If signes of unfaigned repentance appeare in him, and if he *require* (ask?) *to be admitted* to publick repentance, the minister may appoint unto him a day," &c.

as may make the offence to be holden in horror." And it was not in the first days only of her history that these doctrines were held by the Reformed Church of Scotland. They are to be found in the treatise on the Eldership ascribed to James Guthrie, the Protester, who was brought to the scaffold by his persecutors in 1661. And in the Act of Assembly, 1705, to which reference was made in last chapter, the same theory of penitential confession is tacitly assumed. In that Act it is said: "The General Assembly ordains that, after a public rebuke, the ministers and elders be at further pains in instructing the minds of the scandalous persons, if ignorant, in endeavouring to convince their consciences, and to bring them to a due sense of their sin, and to an engagement and serious resolution against all known sin, and to the performance of all known duty: and that the Session, *upon satisfaction with their knowledge and sense of their sin, do admit* them to the public profession of their repentance, in order to absolution."

In the records of kirk sessions and presbyteries, the phrase "admit to repentance" occurs much less frequently than might be expected; but phrases occur in which the doctrine of penitential privilege is covertly implied. People in olden times were not all at once, on their conviction or confession of sin, allowed to declare their penitence in the Reformed Church of Scotland. Such a procedure, it was thought by the fathers of that Church, would make sin appear a less heinous thing than it ought to be accounted. Delinquents had, therefore, to abide for a season under social infamy, and had meanwhile to find caution that they would in due time "satisfy the order and discipline of the Kirk," or as it was more commonly expressed "satisfy the Kirk in penalty and repentance."[1] And the pecu-

[1] 1644. "Referrit himself in the Session's will, and hes fund cautioner for him that he shall satisfie as the Session shall enjoin for his disobedience." (Galston MS. Records.)

1689, 5th June. "Did therefore appoint him to give bond of caution for himself and his wife to appear when called, and thereupon to have his child baptized." (Kilmarnock MS.)

This practice was of very ancient date in the Christian Church. Neander says (vol. iii., p. 254), "Entering into obligations to do penance for particular sins, within a determinate time, was a practice which had no existence in this period" (312–590 A.D.) In the Scottish Order of Excommunication and Form of Public Repentance (1567) it is said that "the Church may not receave anie excommunicate at his first request; bot in suche greevous crimes as before are expressed (of others sall be after spoken) fourtie dayes at the least after his first offer may be appointed to trie whether the signes of repentance appeare in the offender or not. . . . The first fourtie dayes expired, upoun his new sute the superintendent or Session may enjoyne suche paines as may trie whether he be penitent or not."

niary satisfaction was frequently required before the spiritual was accepted. There are many cases on record, too, in which applications for leave to make public repentance or satisfy the Kirk were presented to kirk sessions by delinquents, and were taken into consideration. For instance, on the 30th October, 1707, a woman voluntarily compeared before the Kirk Session of Kilmarnock "declaring her sense of and grief for her sin, and desiring to be admitted to satisfie for her scandal." The session appointed two of their number to converse and deal with her, and report on her professions and state of mind at a future meeting. A fortnight afterwards these elders reported "that they could find no ground to admitt her to appear." Her application was consequently refused for the time being. Two years later a similar petition was presented to the same kirk session, and the answer minuted was that "the session are in a strait to admitt her, the moderator having tried her knowledge, and found her grossly ignorant of the principles of religion; yet, it being but for the first diet, they agree she appear next Lord's day." And these are by no means solitary cases of a kirk session's treating public penitence as a privilege rather than a punishment. In the manuscript volume of records from which the foregoing extracts are taken, there is mention made of a contumacious person's being laid by the presbytery under the sentence of lesser excommunication, and it is added that "the reason she did not appear before the congregation was because of her former mock appearances." Mention is made also of a man's voluntarily presenting himself before the session and "desiring to be allowed to appear the third diet for his scandal," and of his being told by the session "that, as his practice was not very suitable to his profession, they could not allow him to appear." A very notable minute in the same volume is the following, in respect of its showing that kirk sessions required in those to whom penitential discipline was administered certain qualifications:—February, 1709. "A list of persons unpurged of scandal was read, after which, those of them whom the elders reported as being any way *capable* of discipline were appointed to be cited against the next session."[1]

[1] A very odd and faulty expression occurs in an earlier MS. volume of the same session's records:—1680, 26th September. "The Session knowing her to be a very base woman, appoint her to present the father, or els they cannot *censure* her." Kirk sessions

In last paragraph, the phrase "satisfy the Kirk" was quoted as an expression that frequently occurs in the old records of the Reformed Church of Scotland. The words "satisfy" and "satisfaction" occur in the vocabulary of Catholic discipline also, and they may be considered as borrowed by the Reformers from that vocabulary. But the doctrine held by the two Churches to be embodied in the words is quite different. It is the doctrine of the Roman Catholic Church, that a man's works of penance make satisfaction or atonement for his sins, so far at least as to procure for these sins remission of the temporal punishments due to them. This is not only what Protestants allege to be the doctrine of the Roman Catholic Church, but what Roman Catholics themselves avow. In the notes attached to the Rhemes translation of the New Testament, it is said, Mat. iii. 2 "Doe penance, . . . a very usual speech in the New Testament to signifie perfect repentance, which hath not only confession and amendment, but contrition or sorrow for the offence, and painefull satisfaction. But the adversaries of purpose (as, namely, Beza protesteth) mislike that interpretation, because it favoureth satisfaction for sinne, which they cannot abide." And in like manner on 2 Cor. ii. 6 it is said, "By this whole handling of the offender's case, we may refute the wicked heresie of the Protestants, that would make the simple beleeve no punishment of a man's owne person for sinnes committed, nor penance enjoined by the Church, nor any paines temporall, or satisfaction for our life past, to be necessary, but all such things to be superfluous, because Christ hath satisfied enough for all." On account of this Popish theory of satisfaction, some Scottish churchmen have objected to the use of the word "satisfaction" in Protestant discipline. James Guthrie, in his treatise of Ruling Elders, says:—"The word *satisfaction* may admit of a tolerable construction in church censures, in order to the removing of the scandal before men; but this being so much abused in the

could censure any offender, however base his character was; but they could not admit every one to public repentance with a view to his absolution from scandal. The Kirk Session of Perth, for instance, in 1619, inflicted censure (of a corporal kind) where it would have been mockage to admit to repentance. The censure, however, might, in the circumstances, have been spared also. "For as meikle as W. M., an auld doytit man, has confessed his adultery with J. R., and because that his compearance publickly in sackcloth at the kirk door and repentance stool would be an reproach to the town, therefore it is thought expedient that he be put in ward and detained therein, aye and whill he willingly consent to be banished this town for ever."

Popish Church, and the hearts of men being so prone to turn true gospel repentance to a mere legal penance, and to conceive that by mere outward submission and obedience to the censures of the Church, the guilt of their sin is done away before God, therefore elders should carefully shun everything that may give occasion to the fostering this pernicious opinion, and take pains to instruct offenders in the true nature and ends of the censures of the Kirk."

The phrase "satisfy the Kirk" has nevertheless been, ever since the Reformation, in constant use in the Church of Scotland. It may be considered, in the first place, as meaning that offenders will, or shall, meet all the demands of the church courts. From people guilty of particular crimes or sins, so much penalty is declared by Act of Parliament to be exigible for pious uses; and so many days' compearance in a public place of repentance is declared by the Church to be necessary for sufficiently evincing that a man's contrition is proportionate to the gravity of his offences. When a delinquent, therefore, both pays the penalty enjoined by the State, and fulfils the "course of repentance" prescribed by the kirk session or presbytery, he is said to have satisfied the Church, or the law and the Church. He has done all he was asked to do. He has satisfied what in old presbytery records is called "the order and discipline of the Kirk." But the phrase, "satisfy the Kirk," should more correctly, in Protestant churches, be taken to mean, "satisfy the courts of the Church that professions of penitence are real and heart-felt, and that it would be for edification to relieve the professed penitent from scandal and restore him to all the privileges of Christian fellowship."

Such being premised, we have now to consider the different ways and means by which penitential satisfaction was exacted by and made to the Church.

If by "satisfaction" there is meant works that merit remission of sins, it is clear that there will be no penitential satisfaction except when works of penance are done, if even then. Mere confession of sin, and declaration of sorrow for sin, are not satisfaction in the Catholic sense of the term. But in the Protestant sense of the word, there is penitential satisfaction whenever the Church is satisfied, by either profession or evi-

dences of sorrow for sin, that an offender is truly penitent, and that he is, therefore, entitled to the comforts of the gospel and the communion of saints.

Confession may accordingly be regarded as the simplest form of penitential satisfaction accepted in the Protestant Church; and in olden times there were many cases in which the courts of the Reformed Church of Scotland asked nothing more from offenders than a confession of guilt and a declaration of penitence. Sometimes it was only before the kirk session that this declaration had to be made. An admonition would then follow to testify to the Church's zeal for God and her concern for the offender's own welfare. But all that the offender was required to do was, by word of mouth, to confess guilt and promise amendment.[1] One extract from a session record will suffice to illustrate the Church's practice in this matter. Opening an old manuscript volume at random, the following minute, of date 1692, presents itself:—"Compeired, and confessed that he was at the fishing upon the fast day, and likewise that J. L. was fishing and had a leister in his hand. He was rebuked before the Session and past." And in the form of process it is virtually said that in the case of some offences, which are specified, kirk sessions *should be satisfied* with a private confession of guilt and promise of amendment.

There were cases, however, in which confession, before it was accepted as penitential satisfaction, had to be made in public.[2] And such public confessions were of different kinds. Sometimes there was no infamy beyond publicity attached to them. The offender appeared in church in his ordinary Sunday costume, and occupied his ordinary seat or stance. The only unusual thing he had to do was, at a particular part of the service, to stand up and profess his penitence for the sin with which he was charged by the session. In 1620, for instance, two men, "for lowssing their boattis on the Sabbothe, and travelling up to Glasgow with them," were ordained by the Kirk Session

[1] Sometimes the confession had to be made on bended knee, as will be seen from the following minute of a kirk session:—1646, October 27. "Being summoned compeired J. M'C. for untymous drinking, quho confessed he was overtaken with drink. Therefore the Session ordaynes him to set doune on his knees before the Session and confesse his fault, quch was done accordinglie."

[2] Public penitence was made an ordinance in the Reformed Church of Scotland by the very first General Assembly, which sat in Edinburgh in December, 1560.

of Dunbarton "to crave God's pardon" the next Sunday. A woman was at the same time, "for swearing opinlie in the streitts, ordanit lykways the nixt Sabboth to crave God's pardon opinlie in the congregation." Six and twenty years later, when Episcopacy was supplanted in the Church of Scotland by Presbytery, two men in a Covenanting district were brought before the session on a charge of intemperate drinking on a Sabbath day. They confessed that they were not in church on the afternoon of the day specified, and that they "drank before and after sermon, but none in the tym thereof." Their disregard of the Sabbath was thus curiously combined with a praiseworthy respect for the sermon. The session accordingly were satisfied with ordaining them to "ryse out of their seats the next Sabbath, and confess their abuse of the Lord's day."

But public confessions had sometimes to be made under circumstances of greater humiliation than these. Contrition had to express itself with more self-abasement. The greater the offence committed, the greater it was supposed must be the shame and confusion evidenced in true penitence. Some offenders were accordingly not allowed the dignity of making their confessions from their own seats. They had to make themselves more conspicuous by repairing to another part of the church where they were better seen. Sometimes it was to one part of the church and sometimes to another. In every church there was an erection called the public place of repentance, and from this dreaded stand the worst class of offenders had to display their penitence. In some churches, such as Kilmarnock, 1700–4, there seem to have been both a "pillory" and "a furme before the pulpit;"[1] and penitents had either to stand "heich" on the former, or were allowed to stand "laigh" at the latter, according to the measure of their transgressions. For penitential exhibitions the church of Galston seems, for a country church, to have been specially well provided with

[1] The "furme before the pulpit" in Kilmarnock was, strictly speaking, not a place of penitence at all, but a seat of accommodation for the deaf. On the 30th November, 1676, the session ordered their "beddell to set in the furme befor the pulpit that used to stand there befor, and agreed to consider upon some old persons that hear not weel to sit upon it." And in minutes of date 1700 it is designated "the deaf form:" "J. C. appeared before the congregation on the deaf furm over against the pulpit for breach of the Sabbath day, but was not absolved, because instead of acknowledging and confessing his fault and sin he endeavoured to excuse and exonerate the same."

coignes of vantage. The session records of that parish tell of a man that was appointed, 1644, "to give signs of his grieff at the pulpit foot;" of another that had to do the like emotional duty, 1676, "in the body of the kirk near the pulpit;" and of a third that, in 1672, had to humble himself "in the forepart of the loft before the congregation."[1]

Both in situation and in form, the place of public repentance varied in different churches over Scotland, and even in the same church at different periods. Towards the close of last century it was very commonly a pew in the area of the church, in front of the pulpit, and within good view of the greater part of the congregation. At an earlier period it was a more stately erection, and it commonly went by the name of the pillar or high place.[2] In the penitential discipline appointed for Paul Methven by the General Assembly, 1566, it was directed that the said Paul should "come to the kirk doore of Edinburgh when the second bell ringeth, clad in sackcloth, . . . and there remaine quhill he be brought into the sermone, and planted *in the public spectacle above the people.*" And how high above the people penitents had sometimes to stand may be gathered from what is said in church records. The session-book of Galston shows that, in 1635, liberty was granted to two parishioners "to set up ane seat and dask to themselves under the repentance stools at the north-west kirk door." In the same records mention is made, forty years later, of another parishioner who was appointed to satisfy the kirk in public penitence, and made a pitiful moan to the session about "his inabilitie and indisposition of health (which) could not allow him to stand high in the public

[1] In the records of the Presbytery of Irvine there is an appointment minuted, that an offender appear "in *any* conspicuous place of the kirk of Kilwinning, *near* that where penitents usually make their acknowledgments."

[2] In the session records of Kilmarnock it is generally, about the beginning of last century, designated "the pillory." As far back as 1570, at least, the expression "the commone pillar of repentance" occurs in the records of the General Assembly. In a passage quoted by Mr. Buckle (ii. 393), from a book called "Presbytery Displayed," the word "pillaries" is applied to the jogges that were fixed to the two sides of the main door of the parish church. But it was certainly the place of repentance inside the church that at Kilmarnock was called the pillory; and so was it elsewhere. In the "Burden of Issachar" (1640) the following sentence occurs, p. 8:—"Sometimes they are forced to make their public repentance in the church, upon a Pillary, for their unchristian behaviour." A very curious minute in the Kilmarnock records is the following, under date 1649:—"For the better accommodation and furtherance of the people, both in seeing the minister and heiring the word, that the *pillar and pen* divyding the ylle called the Mure's ylle . . . be taken down, removed, and modified in ane more convenient maner."

place, by reason of a distemper in his head." He humbly desired, therefore, to be allowed to stand "laigh" in any part of the church they pleased. It is added that the session granted the sick man's request, and "appointed a chair to be set at the *foot of the stair of the public place* the next Lord's day." And very similar to this structure in Galston church had been the place of repentance in Monkton. At a visitation of this last-named parish, in 1650, the Presbytery of Ayr appointed some alterations to be made on the church for the better accommodation of worshippers; and in the minute of that appointment the height of the place of repentance is incidentally indicated. The minute runs as follows:—"The Presbyterie did find it needful that there be two loftes, every one of them of equall hight, both in their flooring beneath and deiking and covering above, if any bee, and the flooring and gysting of both loftes be directly of the height of the place of repentance; . . . that the rowme of the laird of Crosbie's loft be on the north syd of the kirk, the one end joyning to Adamton his loft upon the east syd, and the other to go to the east syd of the west door to the end of the place of repentance, and the present place of repentance to be removed to the other syd of the kirk, above the other kirk door."

It was quite common for several persons to be "planted" together, as the expression was, in the public spectacle. In some churches the place of public repentance was an elaborate structure, containing several rooms or stances, to which penitents of different grades were sent. In 1605 the Kirk Session of Perth ordained "a more public place of repentance to be biggit with all diligence, and in it certain degrees, that therein offenders may be distinguished and better discerned by their place and habit." But even where there was in the public place only one floor and only one seat, groups of penitents sat and stood together. Partners in conjoint sins stood side by side.[1] There were kirk sessions, however, that thought it

[1] To show that partners in conjoint sins of illicit affection were ordered to appear together, the following excerpts from a minute of a kirk session, bearing date 3rd November, 1646, may here be cited—"Compeired, being summoned, J. M. as suspect of fornication with N. D., who confessed. The Session therfor ordaynes that the said J. give signes of his repentance in the publick place the nixt Lord's day. . . . The same day also compeired, being summoned, N. D., as suspect of fornication with the foresaid J. M., who also confessed. Therfore the Session ordaynes that she give signes of her repentance in the

unadvisable to bring breakers of the seventh commandment together to the place of repentance, and ordered them to appear separately. But these kirk sessions found, to their grief, that expediency had sometimes to give way to necessity, as will be seen from the following minute in the Kilmarnock records, of date 1705:—"Considering that there is a considerable number of persons in this Paroch unpurged from scandal, and that it will require a long time for them to appear and be absolved severally, the Session unanimously concluded and enacted that persons guilty of fornication should both, the man and the woman, appear on the pillory together in time coming."[1] And the records show that for some time arter that date both parties did appear together on the pillar.

It was not once only, but in some cases repeatedly, that persons appointed to give signs of penitence had to appear in the public place of repentance. In the old Form and Order of Public Repentance, 1567, the penitent was directed to make open confession of his crime, whatever it was, and to declare his desire for God's mercy, and for restoration to the society and number of God's people. This being done, the minister was instructed to "aske the congregation if they judged anie further to be required for their satisfaction and reconciliation of that brother." If nothing further was required by the congregation, the minister, after admonition and thanksgiving, pronounced and affirmed that the sins of the penitent man were "forgiven, not onlie in earth, but also in heaven." And thereupon the process ended. But in the days of the second reformation, and long before, kirk sessions were in the habit of

publick place the nixt Lord's day." There were cases, however, in which the same kirk session acted more prudently. In a case, 1652, where one of the parties was married: "*she* is ordained the nixt Lord's day to apear in the publick place of repentance with the sackcloth about her, there to be publickly rebuked. And *he* is injoyned the following Sabbath to apear in the same place in the same maner" (Galston Session Records, MS.) The following cases of prudential appointment may be quoted from the records of another parish, viz. Kilmarnock—"1646, 8th June. Compeirit A. M. and tooke in hande to give obedience to the former ordinances to satisfie for his scandalous carriage of adultery with J. M., and desired that he might be continued whill J. M. had ended her satisfaction, the which the Session condiscended unto, upon condition he wold find caution that he sould then obey."—1680, 9th June, "to stand in sack till ther be signes of sorrow for his sin found in him. . . . Appoints also B. A. (the other party) as relapse, to stand in the publick place six dayes immediately after."

[1] One would infer from the following minute that in Fenwick, 200 years ago, there was a very prudent arrangement for cases of this sort—"1674, A. appointed to stand below, and B. in the public place. Also are inhibit one another's company except at kirk and mercat."

appointing for special offences several appearances in the place of repentance. In the Galston records for 1628, when the Church was under Episcopal government, a certain man is said to have "payit his penaltie and promisit to mak his repentance the next thre Sabbathes, in his lynnin claithes." In the records of the Presbytery of Ayr for 1643, an unfaithful husband, with gray hairs, is said to have been by the presbytery appointed to "give signs of his unfeigned repentance in the public in his paroch kirk, clad in sackcloth, and to stand at the kirk door in the same habit of sackcloth from the second bell to the third, and theirafter to present the public place of repentance, and to enter thereinto ye nixt Lord's day, and to continue from Sabbath to Sabbath after the said order enjoined, by the space of sex months according to the order of the Kirk of Scotland."[1] A few years later, 1648, the General Assembly was much exercised over "the grievous and common sins of the land," and ordained that about thirty different "remedies" of these iniquities should be "carefully and conscionably put in practice." One of these remedies was a course of public repentance proportioned in duration to the magnitude of several specified offences. For the sin of fornication, public profession of repentance was to be made three several Sabbaths; for relapse in fornication, six Sabbaths; for adultery or trilapse in fornication, twenty-six Sabbaths; for relapse in adultery or quadrilapse in fornication, thirty-nine Sabbaths; and for incest or murder, fifty-two Sabbaths, if the magistrate should not forestall the session by hanging the criminal.[2] In connection with these graded courses of repentance, it was further ordained

[1] In olden times the Church courts occasionally required offenders to give what was called "circular satisfaction," that is, to profess penitence in a number of churches. In 1646 a Mauchline laird, who "confessed the unnatural murther and killing of . . . his cousin-german, and also his frequent falls in fornication sensyne," was appointed by the Presbytery of Ayr to give signs of repentance publicly in the kirks of Ochiltree, Galston, and Tarbolton, as well as Mauchline. The following year, another Mauchline man was, "for abusing his minister, both in speech and cariage," required by the presbytery to make a tour of the same kirks, and pass on to Cumnock afterwards.

[2] It is very odd that while, in 1648, the General Assembly thought it necessary to take such rigorous courses with fornicators and adulterers, Baillie should, in 1646, have said in his "Vindication," that "Scotland, however subject to many sins, is yet, I daresay, much more free of fornicators and adulterers among people of any fashion than any nation I know or have heard of." How much Scotland had to boast of at that date in the way of purity may be inferred from the facts that "in 1644 no fewer than thirteen couples appeared in sackcloth before the Presbytery of Ayr for *literal* breaches of the seventh commandment; and in 1643 there were at least eleven couples that for the like cause appeared before the same court in the same habit" ("Old Church Life," i. 329).

that while fornicators and "relapses" in fornication should first confess their sin before the session, and proceed direct thereafter to the public spectacle; those, on the other hand, that were guilty of the greater offences above specified, should confess their sin before both the session and the presbytery, and should there "show some signs of repentance before they were brought to the congregation."

Such a system of discipline, on a national scale, was simply impracticable. Still there are instances to be found, since 1648, of wonderfully tedious courses of repentance. The records of Irvine Presbytery tell of a man that, in 1691, appeared publicly fifteen Sabbaths before the congregation; and the records of Kilmarnock Session tell of a woman that, in 1698, "appeared on the pillar in sackcloth for the seventeenth diet," and, after humiliation of herself before God and the congregation, was absolved. The duration of penance (we can scarcely avoid using the word for want of a better) was doubtless determined by the signs of penitence that offenders gave.[1] Some kirk sessions, too, were probably more easily "satisfied" than others. At the time when adulterers in North Ayrshire were appearing on the pillar for fifteen or seventeen "diets," they were a few miles further south giving satisfaction with about half that number of exhibitions. In 1690 the Session of Mauchline appointed a woman "who had appeared in publict these eight Sabbaths last and wes publicly rebuked, to pey a leg dolar of penaltie, and to speak with the minister, and as he find her penitent to absolve her." Apparently her signs of penitence at that date, on her interview with the minister, were not quite satisfactory; for the following Sunday it was minuted "*quo die*, stood B. R. *pro nono;*" and a fortnight later, "This Lord's day B. R., having appeared in the public place of repentance, as she did the nine Lord's days preceding, was publicly rebuked for her sin of adultery, and having professed her repentance and humiliation thairfor, was absolved from the scandal." The real satisfaction that the Church requires from offenders is

[1] In support of this statement the following minute, which is by no means singular in its wording, may be cited from the MS. records of Galston Kirk Session:—1647, Apryl 19. "The session therfore ordaynes him to stand in the publict place in a pair of sheets ay and till he give signes of his repentance." The following, from the MS. records of Kilmarnock, may also be quoted:—1680, 29th Nov. "The Session appoynts her to appear in sack at the church door Sabbath after Sabbath, till sufficient signs of repentance be seen in her."

evidence of unfeigned repentance; and although her penitential discipline has generally been regarded by offenders as a punishment and penance, and has possibly in some cases been imposed by Church courts under that notion, it is simply meant to express by different degrees of humiliation the measure of contrition and penitence that corresponds to offences of different grades.[1] Last century the Church was satisfied with a less emphatic profession of penitence than she was the century before, and at the present day she is satisfied with still less display of contrition than she was last century. Writing in 1837, Dr. Alex. Hill says: "Some kirk sessions still require public appearances to be made before the congregation, although not with all the circumstances of severity with which our code was wont to be administered. Others, again, adopt a much more lenient mode of proceeding, merely appointing the parties to receive a rebuke in presence of the session.[2] Everywhere there is an accommodation, more or less, to the change of times, and the change of feelings in the Christian community. The great objects for which discipline is prescribed, are to secure good order in the Church and to promote edification."

The conduct of professed penitents in the place of repentance was sometimes anything but penitential. This shows that offenders were occasionally admitted to repentance prematurely. Their appearance in the seat of contrition was but a "mockage." They should have been kept under rebuke merely, and been obliged to find caution that they would, when called, "satisfy the Kirk in penitence." In the records of almost every kirk session and presbytery which go back 200 years or more, there will probably be found instances of gross impenitence and impudence displayed by delinquents in what, to them, was misnamed the place of repentance. In 1645 a woman was brought before the Kirk Session of Fenwick for "upbraiding of the Session from off the public place of repentance, when she should have made confession of her fault." In 1640 there appeared before the Session of Galston

[1] "The Sessioun may enjoyne suche *paines as may trie* whether he be penitent or not." — *Order of Excommunication and Form of Repentance*, 1567.

[2] The *rebuke* is the Church's *censure*; the offender's *confession and penitence* constitute the Church's *satisfaction*. The Church is not satisfied with rebuking, but with signs of repentance.

a man who had been appointed to give signs of penitence for giving "his wyff a shott with his hand upon ye Sabbath day," but who, when "upon the high place, had argued with the minister, speaking something of the gentlemen and noblemen of the paroch, and of new toyes, quhilk could not be cleirlie understood." In 1643, at a presbyterial visitation of the parish of Cumnock during a vacancy there, one of the elders was reported to have "misbehaved himself in giving signs of public repentance for misregarding the day of the last solemne humiliation." On inquiry, it was elicited that the insubordinate elder had mounted "the publict place of repentance, with his head covered, and with his sword about him." In 1675 three men of good family in Mauchline parish were, for drunkenness and Sabbath-breaking, appointed to be publickly rebuked. And the following Sabbath they all appeared in the public place; but "instead of giving signs of repentance (they) did strive all the tyme to break the stoole whereon they stood, which accordingly they did." For these exhibitions of effrontery the misnamed penitents in Mauchline had just to suffer all the more. They brought upon themselves further censure, and the Church in those days was strong enough to execute her sentences.

From what has already been said it will be seen that there were different costumes in which penitents were directed to appear in the public place. Sometimes it was in sackcloth, sometimes in a linen sheet, and sometimes in ordinary clothing. In the session records of Galston we read of two penitents that, in 1676, were appointed to give signs of their repentance, "the one with the sackcloth gown, and the other with the sheets." Fifty years previous to that appointment, a young woman in the same parish was taken to task for appearing "in the publict place of repentance with ane uther habite than was enjoined to her be the Session;" and for that act of disobedience she was "ordanit to apeir the next day, in sackcloth or in ane window claith." And although sackcloth and window cloth were both uncomfortable and dishonourable apparel, all delinquents wishing to give signs of penitence were compelled, whether they were rich or poor, high or low, to don the one or the other, as occasion required. The General Assembly,

in 1573, decreed that "greit men offending in sic crymes as deserves sackcloath should receave the samen as well as the puire: and that no Superintendent nor Commissioner, with advyce of any particular kirk of their jurisdictione, should dispense with the extreamitie of sackcloath prescryvit be the acts of general discipline, for any pecuniall soume *ad pios usus*." And it was not only in sackcloth, but without hats and shoes, that some offenders had to proclaim their penitence. The General Assembly, in 1570, ordained "sic persones as are convict of incest or adultery, and hes not stubbornly contemnit the admonitions of the Kirk nor sufferit the sentence of excommunication for their offences, to make publict repentance in sackcloath, at their owne kirks, bairheaded and barefooted, three severall dayes of preaching, and after the said third day, to be receavit in the societie of the Kirk, in their own cloathes." Nor was this humiliating form of penitence reserved for such only as were guilty of the two above-named sins. In 1635, during the first reign of Episcopacy in Scotland, the Presbytery of Ayr, "avyseing upon (a certain man's) misbehaviour to his minister, in objecting to him the filthie fact of symonie, ordained him to repair on Sunday nixt to his paroch kirk of Galstoune, and in sackcloth, bairfuted and bairleged to present the penitent place all ye tyme of ye sermon, and publictlie confesse his fault; and afoire his entiring to pey twentie punds to be bestowed *ad pios usus* be the minister and sessioune of Galstoune." Down to about the commencement of the present century sackcloth was prescribed as the garb for some offenders in the public place, and many were the protests and appeals that penitents made to kirk sessions against appointments to stand in sackcloth before the congregation. The repentance stool was nothing to the sackcloth. In 1710 a woman in North Ayrshire agreed to satisfy the order and discipline of the Church in public, but supplicated the Presbytery of Irvine that she might not be obliged to stand in sackcloth, "because it might deprive her of her livelihood, in regard that no person of any account would thereafter employ her as a midwife." (!)

Offenders, we have said, were sometimes appointed to crave God's pardon openly in the congregation. When the offence was one that caused injury to a fellow-man the offender was not

infrequently required to crave also the forgiveness of the person he had injured. And this had sometimes to be done in very humble form, as the following extract from the records of the Presbytery of Ayr, of date 1643, will prove:—"Parties being removed, the said A. T. wes fund by the Presbyterie to be a slanderer of Gilminscraft, and thairfore decerned the said Alexander to give signes of repentance thairfore twa Sabbath dayes in the kirkes of Mackling and Muirkirk, where the slander wes publict, the first day in the kirk of Mackling and the second day in the kirk of Muirkirk, and in both kirkes to crave the partie offendit his forgivnes in all humilitie upon his knees." Other instances to a similar effect might be cited from old parish and presbytery records, but the following incident, that was witnessed in the General Assembly, 1577, will suffice to show with what abject humiliation divine and ecclesiastical forgiveness had sometimes to be craved in the Church:—"Compeirit John Andersone in linnen cloathes, in presence of the haill Assemblie, and beand prostrate upon his knees, confessit he had offendit Mr. Robert Boyde, Minister, in drawing of his blood, whereof he repentit with his heart, and askit God and his Kirk forgivness, promiseing, be the grace of God, not to fall in the lyke wickedness in tyme cuming."

It has already been shown, incidentally, that some persons appointed to give signs of repentance for the remission of their scandals, had not only to appear several Sabbaths on the public place of repentance within the church, but had to stand for an hour at the church door between the ringing of the second and the third bells. It is extremely difficult to determine what appointments by the church courts were meant as punishments or censures, and what as signs of repentance. It will probably be admitted that durance vile in the "joggis" or the "bredyane" was simply a punishment, and the way in which sentences of such durance were pronounced by kirk sessions indicates that it was for punishment, rightly or wrongly, that these appointments were generally meant. But a weary humble stance at the church door was, in many cases, ordained also as a sign of penitence, with a view to readmission into Christian society. In 1570 the General Assembly had under consideration the case of homicides, incestuous persons,

and adulterers, not fugitive from the laws, "but continually suteing to be receavit be the Kirk to publick repentance." After long reasoning and mature deliberation, it was unanimously concluded "that all sic persons, humbly suteing, shall be receavit, to give the signes of their repentance in their awne kirks, according to the order appoyntit before (1567), at quhilk tyme the minister shall publickly notifie their crymes, that thereby the civill magistrates may know the crymes, and pretend no ignorance thereof." The offenders so referred to were of two different classes. Some were excommunicated persons, and others had not been excommunicated. In the case of the former class of suitors, it was enacted that they should "stand bareheaded at the kirk doore, every preaching day, betwixt the assemblies, secluded from prayers before and after sermone, and then enter in the kirk, and sit in the publick place bareheaded, all the tyme of the sermone, and depart before the latter prayer."[1] In the case of the other class of suitors, the humiliation of standing at the church door was not required by this Act of Assembly. But there are many instances of unexcommunicated offenders having been, at a later period, appointed to stand in sackcloth outside the church door first, and thereafter inside the church on the repentance stool. In 1647 an offender in Fenwick was appointed to appear three several Lord's days on the public place of repentance, and the last of the foresaid days to stand at the kirk door. In 1673 the Kirk Session of Kilmarnock ordained a troublesome parishioner, who had been "found four or five times formerly in fornication, to stand at the church end in

[1] In the order (1567) for receiving the excommunicate again to the society of the Church, it is said:—"The signs of his repentance ought to be diligentlie enquired; as, what hath been his behaviour since the time of his excommunication, what he will offer for satisfaction to the Church, and unto whom he hath exponed the greefe and dolor of his heart? If the excommunicate be found penitent, and obedient in all things, the minister, the nixt Sunday, may give advertisement to the whole Church of his humiliation, and command them to call to God for increasse of the same. The nixt session-day, the minister may appoint to the excommunicate suche satisfaction as they thinke most expedient: to the which if the excommunicate fullie agree, then may the said ministrie appoint unto him a certane day, when he sall fulfill the same. For this is principallie to be observed, that no excommunicate person may be receaved to the societie of the church againe, untill suche time that he have stand (*sic*) at the church doore, at the least moe Sondayes than one. Which dayes being expired, and the whole satisfaction compleat, some of the elders sall passe to the excommunicate, after that the former prayer of the minister in the pulpit be ended, and sall present him to a certane place appointed for the penitent; where he sall stand in the same habite in the which he made satisfaction, untill the sermon be ended."

sackcloth until ye third bell, and then to enter the public place of repentance." And the records of Galston relate that, in 1673, a man in that parish "gave signs of repentance both at the kirk door and in the publict place, conforme to the Presbyterie of Air their ordinance."

In the matter of public penitence, the Reformed Church of Scotland departed widely from the practice of the Catholic Church at the time of the Reformation. For hundreds of years before that date there was, over a large part of the Catholic Church, no such thing as public penance. It was found by experience that much scandal and mischief were created by the publication of vice, and it was deemed expedient to bring offenders to a sense of their duty by other means. In the western part of Christendom public penance was not absolutely abolished, but it was very nearly so. People generally got their penance appointed privately, and the penance was usually of a kind that neither humiliated nor degraded the subjects of it, but rather puffed them up in the vanity of self-righteousness. The Scottish reformers, however, were revivalists. They laboured to restore practices that had at one time been observed in the Church, but in the progress of ecclesiastical corruptions and spiritual decay had become obsolete. Public penitence was one of the old institutions that the reformers revived; and all the points of their discipline, in that matter, were founded on ancient custom, or at least had counterparts in ancient customs.

In very early times admission to penitence was a privilege that was sought. The delinquent stood outside the church, clothed in sackcloth, and importuned the worshippers as they passed to intercede for him in their prayers.[1] After he had given sufficient evidence of contrition he was, by solemn imposition of hands, admitted by the bishop to penitence, and had his term and degree of penance assigned him. At a later, but still an early, period of the Church's history, the penitential discipline was much increased in severity. There was less difficulty in the way of admission to penitence, but more was

[1] "To implore God on his behalf and make intercession for him with the bishops and presbyters and the whole congregation. . . . His self-abasement was a request to be admitted to the grace of penitence."—*Smith's* "*Dictionary*," 1590.

exacted from the penitent. There was a course of penance prescribed, and in that course there were four stages or stations. Penitents in the first stage were called *mourners*, and were excluded altogether from the church. They wept and wailed outside, and they were not allowed either to join in the prayers of the faithful or to have the privilege of hearing the word. Those in the second stage were distinguished by the name of *hearers*. They were admitted within the church at divine service; but they had to stand afar off, in the lower end of the sacred building. They were allowed the benefit of instruction, but not the comfort of spiritual fellowship. In the third stage of penance were the *kneelers*. These were permitted not only to listen to the word, but to join in public prayer with the congregation. While it was the privilege of ordinary worshippers, however, to stand erect in prayer, in token of their having risen with Christ, the kneelers had to make their humble supplications on bended knees. In the fourth stage were the *standers*, or *co-standers*, who were allowed the dignity of standing in prayer along with the faithful members of the congregation. They might be present at the eucharist also, but not to participate. At one time these stages extended over long periods. Their institution was meant to impress men with a sense of the exceeding sinfulness of sin, and the need of giving no small measure of diligence, especially after falling into post-baptismal transgression, in order to secure their calling and election. The Scottish reformers thought the same teaching necessary. We cannot lightly absolve from scandal, they said; we must see signs of penitence before we grant absolution; we must see sinners humble themselves according to the magnitude of the scandal under which they have fallen. And so they required, as in the early ages of the Church, public repentance, humiliation in sackcloth, prostrate supplication, and "seclusion" from the Church's prayers.

Human nature, however, is alike in all Churches, and in all Churches the same corruptions in the course of time reveal themselves. In the Catholic Church penance came to be regarded as a punishment instead of a privilege, and in the Reformed Church of Scotland public repentance came to be

viewed in the same light. It was so much obloquy and so much chastisement. In the Catholic Church penances came, from good and kindly consideration in some cases and from mercenary motives in others, to be commuted into pecuniary equivalents. There were certain forms of ancient penance that to some people were worse than death; it might well have been asked, therefore, by good men, is there nothing that could be substituted for these dreaded sentences? Considering that these forms of penance are not of divine, but only of human specification, common justice and common humanity demand that they should not be imposed on penitents seeking the grace of God. They are heavy burdens and grievous for men to bear. It thus came about that some, who could not be induced to undertake the penance appointed them, were "allowed to substitute for it a pecuniary fine proportionately estimated; and the money thus contributed was either to be given as alms to the poor, or paid for the ransom of captives, or for defraying the expenses of public worship." This, says Neander, "was the first, in itself considered, innocent occasion of indulgences." How the scheme of indulgences grew, in the Catholic Church, into a monstrous system of iniquity need not here be discussed. Nothing the least like that scandal of the Church of Rome was ever witnessed in the Reformed Church of Scotland. But there was a time when the Church of Scotland was taunted by her enemies with carrying on the same sinful traffic as that with which the Church of Rome had long been reproached. In 1742 the Cameronians issued an indictment against the Church of the nation; and one of the counts in that indictment was, "a virtual sale of indulgences, by receiving money payments as a substitute for ecclesiastical penance." There is no doubt that the charge is, in one sense, true; and yet there was nothing very far wrong in the act. The commutations were not exchanges for the punishment due to sin against God, nor were they money figures at which the grace of God was sold. They were simply accepted as signs of repentance, in lieu of other humanly prescribed signs which in particular cases were intolerable, and which, however well intended, were unwarranted by the spirit of the gospel. The mistake of the Church was not so much in her winking at

commutations of penance, but in ever prescribing a particular course, and especially a severe course, of humiliation, as a condition of restoration to Christian fellowship.

Let us see, however, what the Church of Scotland really did in the way of sanctioning and accepting money payments as a substitute for humiliating signs of repentance. In the first days of the Reformation the Church was strongly opposed to all such commutations. In an Act already quoted, the General Assembly, in 1573, ordained that no superintendent or commissioner should "dispense with the extremitie of sackcloth, prescryvit be the acts of general discipline, for any pecuniall soume *ad pios usus*." And in a rude age, when people were not much afflicted with sensitiveness, this rule may have answered well enough. Dames of high degree could perch themselves on the pillar, and look down from the "spectacle" with open countenances on the gaping innocents beneath; while country lairds, with bastons in hand, could make their tour of the kirks on Sunday mornings, and decked as directed, in "window claith" or sackcloth, sit and snore through the service, aloft, without the faintest sense of either the humour or the pathos of the situation. All the people, from the highest to the lowest, were willing in the first days of the Church's power. In 1566 James VI. was born and baptized. The baptism took place in Stirling Castle, and was administered according to the forms of the Roman Catholic Church, of which the Queen, his mother, was a devoted member. Among those present on the august occasion was the Lady Argyll; and at a meeting of the General Assembly, in 1567, complaint was made that the said lady, "once being at the table of the Lord Jesus, and professing his Evangell, had revolted therefrae, in giving her assistance and presence to the baptizing of the king in ane papistical manner." Lady Argyll had evidently been cited to the Assembly to hear this libel; and being present, she had the modesty to grant "that she had offended the eternall God, and been ane sclander to the Kirk in committing the premises; and therefore she willingly submitted herself to the discipline of the Kirk and discretion of the Assembly." The Kirk was not satisfied, as it might in all reason have been, with this most gracious confession, but

ordained "the said lady to make publick repentance in the Chappell-Royal of Stirling, upon ane Sonday in tyme of preaching."

For nearly a hundred years after this date instances will be found of both men and women, in good or even high social position, submitting to the indignity of public penitence.[1] But as civilization increased, there grew up in the country an increasing abhorrence of all such humiliating exhibitions. People that were truly distressed about the sins they had committed, and the scandals they had thereby brought on themselves and their friends, feared and loathed the ordeal of a public profession that might be turned into ridicule and reproach by their enemies. In support of this statement cases might be cited by the score. An author of some local repute in the west of Scotland, who wrote about the beginning of this century, alleges that in his day the horror of public repentance led to a not inconsiderable amount of child murder. And to go further back than the beginning of this century, we find, in the records of the West Church of Edinburgh, that in 1693 a poor cobbler, who for a grave breach of morals had been ordered by the session to "buy ane sack goun, to stand in at the kirk door, and to appear before the congregation," went raving mad before his course of repentance was ended.[2] Still further back, in 1676, there was a most pathetic remonstrance addressed, in the form of a petition, to the Kirk Session of Kilmarnock, to spare an old man the distress of seeing his daughter, who had been convicted of drunkenness, set up to public gaze in the church. The old man pled for a mitigation of sentence, "in regard that (the delinquent) was his only child, and had expressed that she wold distract if they used that severitie against her, and that it would bring down his own gray hairs to the grave with sorrow."[3] It is not to be wondered at, there-

[1] The following case, one out of many in the records (MS.) of the Presbytery of Ayr, will substantiate this statement:—1643, 12th December. "This day compeared the laird of (say) Crowquill in the habite of sackcloath, and as he wes gravelie challengid, did with all humilitie upon his knees confess (a heinous offence). He wes directed to returne to the session of ——, and to satisfie the order and discipline of the kirk in all poyntes, as he suld be enjoyned, for giving signes of his publict repentance."

[2] "Leaves from the Buik of the West Kirke," by George Lorimer, 1885.

[3] In the records of Kilmarnock Session the following callous entry occurs, under date 28th December, 1701:—"B. A. appeared on the pillory for the third diet, but was not absolved, having fallen down in a swoon in the very time the minister was exhorting

fore, that people, sensitive to shame and obloquy, should have asked kirk sessions, if nothing but submission to public infamy and ridicule could be accepted by the Church as evidence of contrition and repentance. The case of Zaccheus, too, who, on admission into the fellowship of the Church's head, exclaimed, in exuberance of joy, "The half of my goods give I unto the poor," may well have occurred to such people as indicating a way, sanctioned by divine approval, in which feelings both of penitence and thankfulness might be legitimately expressed. Commutations of penance by alms, moreover, although apt, without regulation, to lead to evils and grave abuses, had been authorized in the Church long before there was need of a Reformation. While penalties were therefore, by the civil law, attached in Scotland to particular sins, and were exigible by session bailies for pious uses at the session's discretion, payments of money came also in course of time to be accepted by kirk sessions as commutations of special forms of penitence. The civil penalty and the ecclesiastical commutation were in many instances confounded. When, in 1809, it was proposed to the Kirk Session of Mauchline, by a county gentleman and scion of a family of high renown in the profession of law, "that they should abolish public appearances before the congregation" for all but the gravest forms of iniquity, there was appended to the motion a proviso, that "a larger fine should be exacted, and that the dues paid by delinquents to the session clerk and officer should be doubled." Reverting, however, to the introduction into the Church of Scotland of commutations for public penitence, it has to be observed that these commutations were originally made at the earnest suit of the penitents themselves or their friends. For a long period they were exceptional, and were not granted without deliberation and resolution specially minuted.[1] Sometimes they were requested for whimsical

her." In 1704, however, she had the courage to mount the pillory again, in company with her partner in guilt, and to hear without fainting the sentence of lesser excommunication fulminated against her.

As far back as 1646 some voices in Scotland were raised against the public spectacle. Maxwell, bishop of Ross, in his "Burden of Issachar," wrote of the Church at that date: "There is no care taken to reconcile the lapsed to God in a private way, and to conceal his offence, but disgraced he is publicly. What sound repentance this may work, judge you."

[1] Among the articles delivered to the lords from the lower house of convocation (Church of England), 1580, was the following:—"That there shall not henceforth be used any

reasons, and sometimes they were granted for such reasons. More frequently they were asked and allowed for reasons that were pathetic. We have seen that, in 1637, a man in Galston, who had fallen under scandal, "supplicated the session to licentiat him to the penitent place in his ordinarie habite, and to enjoin him to pey the greater penaltie," and that "the session, considering hereupon, having to be with present moneyie, acceptit him." Nearly a hundred and twenty years after this incident, a tailor applied to the same session for absolution from the scandal of an ante-nuptial sin, and begged "to be absolved from the disgrace of a public appearance, *as his wife was dead.*" His petition was not granted in full and *sine grano salis*, but he was allowed absolution after one appearance, because of "the peculiar circumstances of the case, upon his giving a present to the poor." During the period embraced between these two dates, 1637–1751, similar applications were made to other kirk sessions, and were similarly *considered.* In 1705 a young man of good social position in a town in the west of Scotland, had the misfortune to fall under scandal. He was summoned before the session, and he confessed his sin. The record then states that, "being removed to a corner of the church, and the session being about to consider of his censure," one of the elders intimated that the youth's father was willing to "give five bolls of meal for the use of the poor, on condition the session would allow his son to stand in his own seat, and absolve him with one day's appearance." The favour of being allowed to stand in his own seat was conceded, but the session declared they were not at liberty to dispense with the requisite number of appearances. In 1719 a similar application was made to the same session with the same result, and the special permit was then passed into a general rule. With the discontinuance of public penitence these commutations are now things of the past in the Church of Scotland. Dues to session clerks

commutation of penance, but in rare respects; that is to say, either for some great value or dignity of the person, or for fear of some desperate event that will follow, in the party that should be put to open shame. And at such time his penalty of money to be large, according to the ability of the person; and by the ordinary, with good witnesses, to be employed either to the relief of the poor, or other necessary and godly uses: and yet even in this respect, the party offending, beside such pain of money, shall ever make in his parish church some satisfaction to the congregation, by declaring openly his repentant and sorrowful mind for such offence committed."—*Cardwell's Synodalia*, 547.

and beadles, in connection with the administration of discipline, conveying, even although it be erroneously, to the public the idea that Church privileges are matters of sale and purchase, are, for the Church's credit and advantage, at an end also; so that all the benefits of Christian fellowship are obtained from the Church, by every one entitled thereto, without money and without price.[1]

That the system of penitential satisfaction introduced into the Church of Scotland by the reformers was quite different from that in vogue in the Catholic Church at the Reformation is certain and clear. The penances imposed in the Catholic Church were avowedly punishments for sins, and they were declared to constitute atonements for sin. The satisfaction that these penances were said to give was satisfaction to God for the insult offered to His divine majesty by the infraction of His laws. The doctrine proclaimed by the reformers was different. It is by repentance towards God and faith towards Jesus Christ, the reformers said, that forgiveness of sin and redemption from wrath are obtained. We assure men everywhere of these truths, and we never say that any works which we prescribe will effect peace between man and his Maker. The absolution we grant is absolution from scandal, and not from sin; the peace that we restore and establish is not peace with God, but peace with the Church. And what we require, in order to grant to excommunicates and people suspended from church privileges that absolution and that peace, is reasonable satisfaction or evidence that the persons craving such benefits have truly repented of the sins that have caused the scandal under which they lie. But a mere verbal acknowledgment of sin, they added, will not in all cases give us satisfaction. If men realize the gravity of those transgressions that infer suspension of Church privileges, they will do more than say coldly or carelessly, we have sinned. Their sense of sin will afflict their souls. They will feel that the suitable garb

[1] In the Church of England scandals very early arose in connection with the commutation of penances. In 1597 a constitution was passed to prevent abuses of this kind; but a few years afterwards, and again a century later, complaint was made in the Church "that commutation of penance, without the knowledge of the bishop, even for slight sums and in improper cases, and the private disposal of the money thence arising, without notifying the same to the congregation, are practices of very evil consequence."—*Cardwell's Synodalia*, 582, 712.

for them is sackcloth, and the proper place for them to stand is outside the Church, or on the pillar of penitential confession. And the Church cannot be expected to open her arms all at once to every one that has dishonoured his Christian calling. She does not possess divine omniscience. She must test men's professions of repentance, and wait till she sees the fruits of contrition in some amendment of life.[1] Hence her requirement of caution to satisfy in penitence and penalty. And hence also the need of retaining for some time, in a state of probation, those that have been admitted to penitence.

But when courses of repentance came to be assigned by courts of the Church as *punishments for sin*, and were regarded by offenders as punishments, there was on the one hand a departure from, and on the other hand a misapprehension of, Protestant principles. The Protestant Church does not, any more than the Roman Catholic, disclaim the use of censures. She chastises her froward children with rebuke; and she casts off, with solemn excommunication, those that contumaciously contemn her authority or commit sins worthy of death. But it is not censure that she inflicts on the penitent. She holds out to them the hope of pardon; and when she appoints to them acts or exercises that involve humiliation or obloquy, it is solely with the view of giving fitting expression to their penitence and testing the sincerity of their professions. When, therefore, robes of sackcloth and compearance on the pillar were either appointed or considered as degradations and punishments, the light within the Church was darkening,[2] and the professors of Protestantism were reverting unconsciously to the doctrines abjured at the Reformation.

[1] The following minute is a good illustration of what is here stated:—1651, 25th November. "For his scandal confessed, to compeir in publick there to be rebucked out of his owne seat the nixt lord's day, being resolved if by his following conversation he give reall evidences of his sence of that his sinne, and be fund in the way of amendment, then the Session is to receave him againe into church fellowship."—*Galston Records, MS.*

[2] That the "signs of repentance" were by some kirk sessions regarded as punishments will appear from the following extracts:—1647, 22nd November. "Compeired R. B. and confessed his overnightes drinking, and that also he was taken with it. The Session therfor ordayned him to give signes of his repentance in the high place, with certification that if he shall be deprehended in the lyk fault he shall be doublie *punisht*." 1650, 2nd July. "Compeired J. P. and G. H. Being accused of drunkeness, confessed ye sameyn. They were therfore ordained to give signs of thair repentance in ye publick place the nixt lordes day, assureing them if they salbe fund in ye lyk fault they salbe treiplie *punisht*."—*Galston Session Records, MS.*

It is to be observed, also, that the theory of public penitence rests on principles of ecclesiastical constitution that have long been repudiated in the Church of Scotland. To whom should penitential satisfaction be rendered? If only to the session and the other courts of the Church, there is no call or occasion for *public* penitence. The penitence professed in public is meant as a satisfaction to the whole congregation. It is a rite that properly pertains to Congregationalism, and to it alone. In the Form and Order of Public Repentance (1567) the minister is directed, on receiving the penitent's confession, to "aske the congregation if they judge anie further to be required for their satisfaction and reconciliation of that brother." That question implied a democratic theory of Church government; and for a brief period after the Reformation, the Church of Scotland was extremely democratic in her constitution. The congregation was the depositary of all ecclesiastical power. It was declared in the First Book of Discipline that "it appertaineth to the people, and to every several congregation, to elect their minister; and other ceremonie than the public approbation of the people, and declaration of the chiefe minister, that the person there presented is appointed to serve the Church, we cannot approve." And as there was no ordination of ministers, so neither was there any ordination of elders. The elders were simply the congregation's representatives in the kirk session, and they were annually chosen, "lest of long continuance of such officers men should have presumed upon the liberty of the Kirk." And these representatives of the congregation were directed "to take heed to the life, manners, diligence, and study of their ministers." If a minister were considered "worthy" of admonition, they were to admonish him; if he were reckoned worthy of correction, they were to correct him; and if he were found to be "worthy of deposition, they, with consent of the kirk and superintendent, might depose him."

But the Church of Scotland soon repudiated the democratic theory of ecclesiastical government. The congregation is no longer the depositary of all ecclesiastical authority, and elders are no longer the representatives of the congregation, holding office by its election and with its suffer-

ance.[1] The government of the Church is now vested in her officers, lawfully and permanently ordained for that end. This fact is set forth with great clearness in a letter by the General Assembly, in 1641, to some ministers in England. These English ministers had written to the Assembly, stating that there were among them "some brethren that hold the whole power of Church-government, and all acts thereunto appertaining (as election, ordination, and deposition of officers with admission, excommunication, and absolution of members) are, by divine ordinance *in foro externo*, to be decreed by the most voyces in and of every particular congregation, which (say they) is the utmost bound of a particular Church, endued with power of government, and only some formalities of solemne execution to be reserved to the officers (as servants of the said Church) if they have any, or if none, then to be performed by some other members, not in office, whom the said Church shall appoint thereunto. . . . Now, because we conceive that your judgment in this case may conduce much, by the blessing of God, to the settling of this question amongst us; therefore, we do earnestly entreat the same at your hands, and that so much the rather, because we sometimes hear from those of the aforesaid judgment, that some famous and eminent brethren, even amongst yourselves, doe somewhat incline unto an approbation of that way of government." In answer to this letter the General Assembly wrote:—"Our unanimous judgment and uniforme practice is, that according to the order of the Reformed Kirks, and the ordinance of God in his word, not onlie the solemne execution of ecclesiastical power and authoritie, but the whole acts and exercises thereof, do *properly belong unto the officers of the Kirk;* yet so that in matters of chiefest importance the tacite consent of the congregation be had, before their decrees and sentences receive final execution, and that the officers of a particular congregation may not exercise this

[1] Many writers contend that the elders are the "representatives of the congregation." Not to speak of modern authorities, George Gillespie, in his Postscript to his "Assertion of the Government of the Church of Scotland" (1641), refers, p. 13, to "that common expression of Divines, that the Elders are the Church representatives;" and defends the expression on the following very unsatisfactory grounds:—"First, what the Elders, with the knowledge and tacite consent of the Church, doe approve or dislike, is supposed to be approved or disliked by the whole Church: Secondly, as we say we have seen a man when haply we have seen nothing but his head, . . . so do we know a visible political Church when we see in the Senate the head and face thereof."

power independently, but with subordination unto greater presbyteries and synods, provincial and national." According to this enunciation of the Church's constitution, it is only to church-officers that penitential satisfaction, except possibly in some extreme cases, is due. Public satisfaction, therefore, is, except in these cases,[1] at variance rather than in harmony with the principles of the Church of Scotland's constitution.

ABSOLUTION.

In connection with ecclesiastical absolution there are three questions that fall to be considered:—First, are there any scandals, or any judicial sentences, from which absolution is refused by the Church? Secondly, must a definite period elapse before sentences passed by a Church court can be recalled? And thirdly, what formalities are used in acts of absolution?

From what is said in the New Testament, one might think there could not be a Church in the wide world that would deny absolution from any scandal confessed and repented of, unless it were for the sin of blaspheming the Holy Spirit. "All manner of sin and blasphemy," said Jesus, "shall be forgiven unto men; but the blasphemy against the Holy Ghost shall not be forgiven unto men, . . . neither in this world, neither in the world to come." It appears, however, that in the case of several offences absolution was at one time, in some

[1] As showing that kirk sessions did really require from some offenders "congregational satisfaction," the following minute may here be quoted:—1648, February 27. "Ordaynes that the forsaid John give signes of his repentance in the publict place in sackcloth two severall Sabbaths, and if then the minister and congregation shall find any evidences of his repentance, the minister is to absolve him; if not, the forsaid John is to persist and continue standing ay and till he shall give satisfaction." (*Galston Records, MS*). The same records show that, in 1635, between twenty and thirty persons were on one occasion summoned to "give their conscience befoir the congregatione" whether of a particular parishioner they knew anything "but honestie;" and that on the day appointed all these persons compeared "in presence of the whole congregatione, and uppon their great oathes, being solemnellie sworne deponit befoir the congregatione that they knew nor kend nothing concerning George W. his particullar sclanders, but that he wes ane honest man."

In his "Assertion of the Government of the Church of Scotland" (1641), Gillespie quotes approvingly, pp. 121–2, the argument of Augustine for the necessity of congregational consent to sentences of excommunication. "The end of excommunication cannot be attained if the Church do not consent thereto, . . . for it shall be in vain to excommunicate him from whom the multitude in the Church refuse to abstract their *communion*." The italicized word "communion" is evidently used here in the double sense of fellowship at the Lord's table and fellowship in the world. From both kinds of fellowship with Christians excommunicates were at one time debarred. ("First Book of Discipline," chap. ix.)

sections of the Church, strictly refused. Excommunication for these offences was irremediable. "There are various canons in the Council of Elvira (*circa* 305 A.D.) which utterly debar offenders from Communion with the faithful for the remainder of their lives."[1] But these canons were never in force over the whole Church. In the case of the greatest criminals, some bishops granted on show of penitence, while others refused, absolution. It may be assumed that, during the century immediately preceding the Reformation, sentences of absolute or life-long exclusion from the Church were unknown in Scotland. And there is no uncertainty regarding the doctrine held on the subject of absolution by the Scottish reformers. That doctrine is on record. In the Form and Order of Public Repentance, 1567, it is said that "suche as deserve death for that crime committed (can) never be admitted to the societie of the Church untill such time as either the magistrate punish according to the law, or elles pardon the crime; but such as for other offences, and for their contempt, are excommunicat, may be receaved, when they salle earnestlie seek the favours of the Church."[2] It will doubtless strike the reader that in the first clause of this quotation there is manifested a harshness of feeling, with an Erastianism, that he could scarcely have expected from the reformers. The action of the Church is, in that declaration, made to depend on the action of the state. A murderer is not to be received into the fellowship of the Church till he has received from the state either punishment or pardon for his crime. That was not a good position for the Church to take up. The

[1] Smith's "Dictionary of Christian Antiquities," 639.

[2] To show how hard it was for the committers of heinous crimes to obtain absolution from the Reformed Church of Scotland, it may be stated that, previous to 1571, "all adulterers, murtherers, incestuous persons," &c., were required to present themselves to the General Assembly to "resave their first injunction," and to return to the following General Assembly "in linen clothes," and receive a second admonition. It was ordained, however, in 1571, that "as divers of the saids offenders are far distant frae the places of Generall Assemblies, and uthirs for poverty and deidlie feuds may not nor dare not travell through the countrie to present themselves before the saids Assemblies," all such offenders should in future be summoned by superintendents and commissioners of provinces "to compeir before them in their Synodall conventions, to be halden by them twyse in the ycir, to receave and take their injunctions, conforme to the order usit before the Generall Assemblies in all sorts." In 1588 a further relaxation of discipline was granted, so that adulterers, homicides, &c., were allowed to give satisfaction "before the Presbyteries, in such forme as they were accustomit before the Synodalls."—*Old Church Life in Scotland*, First Series, 304, note.

sentences of the Church should be made independent of civil sentences. Whether the state pardon, or punish, or neglect to punish, the Church should do her own duty to her own children. If a man charged with crime will not yield himself to the civil power, but will seek to evade justice, the Church may with good show of reason construe his conduct into impenitence; but the Church goes beyond her proper functions when she steps in to substitute a spiritual punishment for a civil one which the state has neglected to inflict, and refuses, because of the state's action or inaction, to remove a sentence when Christian duty calls for such a removal. In later expositions of the Church of Scotland's doctrine regarding absolution, there is no such limiting clause as that in the order (1567) to which exception is here taken. Absolution is declared, or assumed to be, open to all that give to the Church satisfactory signs of repentance. In the Form of Process (1707) it is said that "if, after excommunication, the signs of repentance appear in the excommunicated person; . . . and the presbytery, upon his application, be satisfied therewith, and judge that he ought to be absolved, and thereupon give warrant for his absolution, he is to be brought before the congregation, and there also to make a free confession of his sin and sorrow for it," &c.

In regard to the second question—whether any definite period is required to elapse before a Church sentence, and especially a sentence of excommunication, can be reduced?—it may be said that the Church has at different periods, and in different countries, acted on different principles. Judging from what is recorded in 2 Cor. ii. 6–11, one would say that the primitive apostolic principle was to grant absolution as soon as signs of penitence warranted the Church's considering an excommunicated person worthy of her fellowship in faith and friendship; and for many a day this theory prevailed in the Church. In course of time, however, sentences of excommunication came to be less relaxable. Those that were inflicted *sine die* were recalled with less promptitude and less willingness than they formerly were; and there came into practice a new kind of lesser excommunication for a definite number of years. This last-mentioned form of excommunication

was never in use in the Reformed Church of Scotland. Persons excommunicated were excommunicated *sine die;* and persons declared scandalous were declared scandalous in the same manner, *sine die,* or until they satisfied the Church with signs of penitence; but whenever there appeared in the life of a scandalous or an excommunicated person unmistakable fruits of repentance, the Church rejoiced and hastened to receive her penitent child.[1]

In regard to the third question—by what formalities the act of absolution was completed?—it may be said that as these formalities are matters for every Church to regulate at her own discretion, so have they varied not only in different Churches, but in the same Church at different periods. At the present day all, or nearly all, corrective discipline in the Reformed Church of Scotland is sessional or presbyterial. There is almost none that is public or congregational. The act of absolution has thus come to be divested of nearly all formalities. Kirk sessions minute that A. B., having confessed his guilt, and made profession of penitence therefor, was gravely admonished by the moderator to be careful of his walk and conversation in time coming, and was thereafter by the kirk session absolved from scandal. When repentance was required to be made in public, the absolution was pronounced in public also. But in many old session records there is very little said

[1] A fine expression in old session records is "reconciled to the kirk," and the ground of reconciliation is often in these records stated to be "signs of repentance." The following minute, for instance, appears in the Galston records (MS.):—"1652. The next Lord's day to apear in publick, and yr to be rebuked, and if they shall (show) evidences and signs of yr repentance to be absolved and declared reconciled to ye kirk." Still more instructive, both as a picture of social life and a record of disciplinary procedure, are the following minutes from the registers of the same rural parish:—"1652, 9th Jnly. J. S., not as yet being summoned, compeared before the sessione, and acknowledged his scandalous cariadg in shedding the blood of Mr. A. W., one of the elders of the said sessione, and desyred that the sessione might condiscend upon a way how the scandle wod be removed, and he reconciled to the church. The sessione conceaving him somewhat sensible of the forsaid fault ordained him to he publicklie rebuked the nixt Lord's day, and afterwards as he shall give further evidences of his repentance they will proceid to declaire him reconciled to the kirk. In the mean tyme exhorted him to give all just reparatione to the partie injured, quhilk he undertoke to perform." "27th July. Compeared the aforesaid J. S., desyring to be receaved againe into the fellowship of the church, and to give further evidences of his hartie repentance. The sessione after they had inquired at diverse of the elders who had occasione to converse most with him since his fall in the forementioned scandle, and finding that his cariadg seams to be lyk as he were realie penitent, does therfore ordaine him the nixt Lord's day into the fellowship of God's people and reconciled to the church: quhilk accordinglie wes done."

about the absolution of those that underwent a course of repentance. Their appointment to appear in the public place is duly minuted, but never a word about their absolution from scandal. The reason of this seeming informality we need not discuss; different reasons will probably occur to different persons. And in this matter the practice of kirk sessions, more than two hundred years ago, was not quite uniform. Sometimes, at that date, the fact of absolution was recorded in session books; but in some of these cases the wording is so inexplicit as to leave the reader in doubt whether the absolution was pronounced from the pulpit in presence of the congregation, or at a meeting of kirk session after the congregation was dismissed. For instance, in an old session book the following minute occurs:—"On Sabbath, December 5, 1646, A. N., having given signes of his repentance (out of his own seat) for his drinking on Sabbath, was absolved." From all that is said in that minute it is impossible to make out when or where, during divine service or after divine service, before the congregation or before the session only, the absolution was pronounced.[1] But at a later period, when kirk sessions were more in the way of recording in their minutes what took place during divine service on Sundays, the notices of absolution are so explicit as to leave no doubt about the time, place, and manner of its declaration. For instance, in the records of Kilmarnock Kirk Session we find the following minute, and many like it:—"1701, 31st August, Sabbath. Mr. William Wright . . . . lectured in his ordinary on the twelfth chapter of John, from the 27th verse to the end; and preached both forenoon and afternoon . . . . on the latter part of Romans ix. ver. 5, and afterwards baptized four infants, whose names and parents, &c. . . . . *It: Eodem.* M. B. appeared on the pillory for . . . . the third and last diet, and after exhortation, confession, and humiliation on her knees,

[1] The following two minutes, from Galston MS. Records, will illustrate with exceptional clearness sessional procedure, in regard to absolution, at the middle of the seventeenth century:—"1652. Compeared A. B., desiring to be receaved. . . . After serch of his cariadg the sessione gave him this answer, that they find him no to hav walked penitent lyk, but rather contrare, and therefor they cannot absolve him untill further signes of his repentance appear."—"1654, Saboth, 10th July. Compeared G. R., after his being rebuked for his fall in fornication; A. M., after his scandle of drunkenes; J. N., after his scandle of curssing and swearing; desiring all to be receaved, and the session having taken serious inspection of their cariadg since yr rebukes, absolved them *at the confessing of yr sinne before ye congregatione.*"

was absolved from the scandal, and dismissed with a 'go, and sin no more, lest a worse thing come unto thee.' *It: ditto*, intimate no session on the Thursdays till harvest be over, and finally pronounced the blessing." It is quite clear from this minute that the absolution was pronounced from the pulpit, before the close of divine service, and before the intimation of pastoral visits. And this was in strict accordance with the ancient Order of Public Repentance and Absolution, 1567. In that order it is laid down that the minister, having asked the penitent several questions, and received thereto satisfactory answers, shall first address the penitent, and thereafter the congregation, in certain set terms, or in terms similar. And when these addresses are ended, the minister shall proceed to give public thanks to God for the offender's conversion; and then "sall say, in manner of absolution: 'If thou unfainedlie repent thy former iniquitie, and beleave in the Lord Jesus, then I, in his name, pronounce and affirme that thy sinnes are forgiven, not onlie in earth, but also in heaven, according to the promises annexed with the preaching of His word, and to the power putt in the ministrie of His Church.'" And the public formality did not end with the utterance of these words from the pulpit. When the presiding minister concluded his office, "the elders and deacons were, in name of the whole Church, instructed to take the reconciled brother by the hand and embrace him, in signe of full reconciliation." Thereafter the congregation were invited to sing part of the 103rd Psalm, and when this was done the service was closed with the benediction. It may be assumed that after the enactment of the Form of Process, 1707, and even prior to that date, all the foregoing details of formality were not invariably observed in the act of absolution; but wherever repentance had to be made in public, it behoved that absolution should be pronounced in public also.[1]

In the case of excommunicated persons, the act of absolution has always been clothed with solemnity.[2] Kirk sessions have never presumed, in an informal and perfunctory way,

[1] In 1706 the Kirk Session of Kilmarnock "enacted that before any person should be absolved from scandal, intimation thereof should be made to the congregation, that if any had anything to object, they might declare the same in the session" (MS. Records)—a procedure surely of very doubtful expediency.

[2] By excommunicated is here meant under sentence of greater excommunication.

to reinstate excommunicates in Christian privileges. The earliest order (1567) in the Reformed Church of Scotland for the absolution of such persons was much the same as that appointed for the restoration of public penitents not cast out of the Church, except that the words of absolution were different. The minister declared that he spake not only in the name of Christ, but "with consent of the whole ministrie and Church," and he not only pronounced the sins of the penitent man to be forgiven in earth and heaven, but declared that the man was now "receaved again to the societie of Jesus Christ, to his bodie the Church, to the participation of his sacraments, and finally to the fruition of all his benefites." It is quaintly directed also, that "the absolution pronounced, the minister shall then call him Brother, and give him admonition to watche and pray that he fall not again in the like tentation." Thereafter the new-named brother was appointed to receive the embraces of the whole ministry "and such others of the Church as were nixt unto him," and then a psalm of thanksgiving was given out to be sung.[1]

Nothing will better enable us to understand the mode in which absolution was granted to excommunicated persons, in the first days of the Reformed Church, than a *verbatim* report of proceedings in some particular case; and the printed records of the General Assembly happen to furnish us with such a report as will sufficiently answer this end. The case is so far peculiar that the absolution was craved from, and granted by, the supreme court of the Church, instead of by a local congregation and session; but that peculiarity of the case does not much alter the lines of procedure. On the 15th May, 1594, "compeirit Alexander Lord Home in Assembly, and with all

[1] In the Church of England, as well as in the Church of Scotland, absolutions from excommunication were required to be pronounced in public. In the canons 1571 it is said, "Ecclesiasticus judex, cujuscunque loci aut ordinis, neminem excommunicatum absolvet domi suæ, aut alioqui in privatis ædibus: sed tantum publice, et pro tribunali." (*Cardwell's Synodalia*," 119.) In the canons 1640 it is said that "no absolutions shall be good or valid in law, except they be pronounced either by the bishop in person, or by some other in holy orders, having ecclesiastical jurisdiction, or by some grave minister beneficed in the diocese, being a master of arts at least, and appointed by the bishop, and the priest's name pronouncing such sentence of absolution to be expressed in the instrument issuing under seal out of court. . . . And that no such minister shall pronounce any sentence of absolution but in open consistory, or at the least in a church or chapel, the penitent humbly craving and taking absolution upon his knees, and having first taken the oath *de parendo juri et stando mandatis ecclesiæ*."—*Synodalia*, 410.

humilitie cravit that he might be absoluit from the sentence of excommunicatione led against him, protesting before God he wald in tyme comeing give proof of obedience and service to God, and maintain the truth of his religione, presently profest be the Kirk here present, to his lyfe's end; and although he was sometyme in ane different religione from them, now avowes, he being better instructed in the heid quherin he sometymes differed from them, the present Confession of Fayth and religion professit presently be the Assembly; and if he shall hereafter declyne therefrae, submits him in that case to the Assemblie of the Kirk, hopeing be God's grace never to make defectione therefrae." In response to this crave the Assembly thought meet that certain conditions should be set down in writing, to be subscribed by the petitioner, and that thereafter his "sute of absolution" should be considered. At a subsequent diet of Assembly, on the same day, the written conditions were severally read over to Lord Home; and, "in token of his acceptatione" of them, were subscribed with his hand. The Assembly thereupon, "in respect of his repentance schawne," &c., ordained that he should be absolved from excommunication, and his sentence of absolution pronounced by the moderator "the morne at meeting." The following day, therefore, "exhortation being first made, the said lord was inquyrit if he was sorie in his heart for the fault of offence he had committed, and that he had incurrit the said sentence, and fand ane earnest dolor in his heart for that he was separat from the Kirk here present so long, thirsting maist earnestlie to be joynit theretо as ane member of Christ's bodie, and promising, as he sall answer to God, in tyme coming to continow ane constant professor in the trouth of his religione, presentlie allowit be the Kirk of Scotland here convenit, to his lyve's end, and to schaw the fruits of ane trew Christiane in his lyfe, removeing all sclanderous persones furth of his companie? Quho answerit, in God's presence it was his trew meaning, and that he intendit to schawe the same in evident effects in tyme cuming. Quherefore, thanks being given to God, and prayer made, he was solemnly absolvit from the said sentence be the moderator, and receavit be him in name of the said breither, and imbraced as ane member reconciled to the Kirk."

The procedure prescribed in the Form of Process (1707) for the Absolution of Excommunicated Persons, is substantially the same as that laid down in the old order of 1567, but is briefer and simpler. Warrant for absolution has to be obtained by the session from the presbytery; and for the sufficient reason that it was by the presbytery's order that the sentence of excommunication was inflicted. The penitent has then to be brought before the congregation to make free confession of his sin and of sorrow for his sin; and, calling upon God for mercy in Christ, to seek restoration to the communion of the Church. This compearance before the congregation has to be repeated "as often as Church judicatories shall find may be for edification and trial of the professing penitent's sincerity." When at length the minister and congregation are satisfied with the penitent's signs of repentance, they are to praise God for "blessing the ordinance of excommunication, and making it effectual by his Spirit to the recovering of this offender." Public prayer is then to be made "that it may please God, by his Spirit and grace, . . . so to accept of this poor believing and returning sinner, whom Satan hath long time holden in bondage, that his former disobedience may never be laid to his charge, and that he may increase in all godliness, so that . . . God may be glorified, the Church edified, and the penitent saved in the day of our Lord." After this prayer the sentence of absolution is to be pronounced; and when that is done, the absolved is to be called "brother" by the minister, to be embraced by the elders, and received by the whole congregation as one of their own number. The absolution is to be announced, also, in all churches in which the excommunication was intimated.

The admonitions and prayers, the thanksgivings and psalm-singing, the new name of "brother" and the brotherly embrace that followed, which were part of the old procedure in public absolution in the Church of Scotland, were doubtless meant at the time of their enactment to indicate kindly Christian feeling on the part of the Church towards the penitent. It was supposed that these solemnities would cheer and comfort him. At the present day they would be felt by many people as humiliations of a cruel character. They would vex, and deject, and

cast down irretrievably those they were meant to encourage and strengthen. They would make the subjects of them feel that they did not stand, in the Church, on the platform of self-respect. We cannot but rejoice, therefore, that in the discipline of the Church of Scotland there are no hard-and-fast rules alleged to be, *jure divino*, of perpetual force; but that forms and processes are allowed to change from age to age, in accordance with the growth of public sentiment. And it is a sign of progress that men are more sensitive than their fathers were; and that in matters of such high solemnity as exclusion from, and restoration to, the enjoyment of Christian privileges, they cannot, and will not, brook the ordeal of theatric display.

TEINDS OR TITHES

AND

CHURCH PROPERTY IN SCOTLAND.

BY

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TEINDS, OR TITHES;

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CHURCH PROPERTY IN SCOTLAND.

THOSE Scottish writers to whom we are indebted for special treatises on teinds have not been uniform in the description of their works. Mr. Forbes, in the beginning of last century, and Sir John Connell, early in this century, have both adopted, as a leading part of their titles, the words "On Tithes," while Mr. Buchanan, the latest writer, has described his work as a treatise "On Teinds or Tithes." The first-named writers seem to have felt that without an English title their works would not find their way into the hands of English readers; but yet when they come to speak of Scottish law and practice on the subject, they are obliged throughout their works constantly to employ the word "teinds." Before going further, therefore, it is proper to state that teinds is the name which has long been applied to tithes in Scotland, and we shall use this name for them later on when we speak of Scottish tithes. The words *tithes* and *teinds* simply mean *tenths*.

Tithes and property dedicated to the promotion of religion have an ancient history; and no account of the teinds and property vested in the Church of Scotland, at the present day, would be complete or quite intelligible without some reference to their origin, and the causes which have brought them into their present position.

Of the payment of tenths associated with heathen rites and superstitions, it is not necessary to take particular notice. In such cases the use was occasional and limited to particular districts, and did not, so far as is known, extend by ordinance or appointment over any single country.

There are several instances recorded in the Bible, before the giving of the law, in which tithes had been rendered, but which need not be here referred to in detail. A marked change took place, however, when the future possessions of the children of Israel were destined to bear tithes, the law being made permanent and applicable to the whole land. How far this followed the custom of Egypt, with the institutions of which Moses was familiar, cannot be stated with certainty. The Egyptian priests had undoubtedly possessions in land, and also received certain dues. During Joseph's administration their lands were not purchased for Pharaoh, because the King made special provision for the priests (Gen. xlvii. 22).

The Mosaic law, which appointed the payment of tithes to the tribe of Levi, was antecedent to the occupation of Palestine by the Israelites. The people were to be divided into twelve tribes, but the territory, situated on both sides of the Jordan, destined for the occupation of the people, was to be divided into eleven parts, and the tribe of Levi, which was not to direct its attention to agriculture, was not to receive a share of the land; and, in respect of its being set apart for attendance on divine service, was to receive from the other tribes tithes, being "all the tenth in Israel for an inheritance, for their service which they serve" (Num. xviii. 21). It was also appointed that the Levites should receive forty-eight cities to dwell in, with a certain extent of land adjacent to each, called the suburbs, "for their cattle, and for their goods, and for all their beasts" (Num. xxxv. 3–7). Besides these tithes the priests had right to firstfruits, which the eleven tribes were required to "bring into the house of the Lord thy God" (Exod. xxiii. 19). And the high priest received the heave offering offered to the Lord, "even a tenth part of the tithe" (Num. xviii. 26–28), out of the tithes payable to the Levites. It appears from the computations in the times of Moses and David that the Levites were one of the least of the twelve tribes, while they are supposed to have had almost four twelfth-parts of the produce of the country; and taking the Levites as commonly between 30,000 and 40,000, the proportion allotted to the high priest was equal to that of 3000 or 4000 Levites.[1]

[1] Dr. Potter's discourse, cited in Plowden on Tithes, 54, 55.

Instead of a money poor-rate such as we have in modern times, a humane provision was made for "the stranger, the fatherless, and the widow" (Deut. xiv. 29; xvi. 11–14), or as Josephus puts it, for "those that want, to women also that are widows, and to children that are orphans."[1] This was made by a second tithe, which every two years was given at Jerusalem, and every third year in the gates of the husbandman. Selden points out that this last was not a third tithe, as stated by some writers, including Josephus, but was only a tithe of the third year, the place where it was to be distributed being different from that of the two preceding years.[2]

In a work published in 1713 an English writer[3] pointed out a distinction between the Levitical and English tithes. He said the Levitical tithes "were brought home to them fully dressed and prepared for the use of the Levites; that is, the corn threshed, winnowed, and dressed, the grapes made into wine and the olives into oil; and so it was as to all things else of which they received tithes;" while in England "ministers among us are at great charges and trouble, first to gather and fetch home their tithes, and afterwards to fit and prepare them for use, which makes them at least one fourth-part less valuable to them than they were to the Levitical priesthood." This observation was equally applicable to Scotland at one period; but in Scotland the teinds have gradually ceased to be uplifted, as the valuations proceeded under the measures introduced in the reign of King Charles I., of which more hereafter. In England tithes were uplifted till their commutation into a rent charge, under a series of Acts of Parliament commencing in 1836. The Levites, however, had no right to uplift tithes, and therefore had less security for the payment; hence the numerous complaints against the other tribes that they failed to render their tithes, and for which they were charged as robbing God (Mal. iii. 8). These tribes had been solemnly warned: "Take heed to thyself that thou forsake not the Levite as long as thou livest on the earth" (Deut. xii. 19), and this injunction had been disregarded. No law abrogated the payment of tithes in Palestine, but the carrying away of the ten tribes, including

[1] "Antiquities," iv 8, 22. [2] Selden (edition 1618), 14.
[3] Dr. Prideaux, dean of Norwich, on Tithes, 76, 77.

that of Levi (B.C. 720), interrupted the old law, and brought into existence a rival temple on Mount Gerizim, built by the Samaritans. The destruction of Jerusalem with its temple (A.D. 70), and the final dispersion of the remnant of the Jewish nation, after a fresh outbreak (about A.D. 135), made the land desolate, and brought the Levitical system of tithes to a close.

Our Saviour was not of the tribe of Levi, and made no claim to any share of the tithes towards His ministry. The writer of the Epistle to the Hebrews drew special attention to this when referring to the priesthood of Christ. "For the priesthood being changed, there is made of necessity a change also of the law. For he of whom these things are spoken pertaineth to another tribe, of which no man gave attendance at the altar. For it is evident that our Lord sprang out of Judah, of which tribe Moses spake nothing concerning priesthood" (Heb. vii. 12–14). Yet in His time tithes were rendered, the zealous Jew boasting that he obeyed the law by paying tithes of all that he possessed; in this he was not condemned. Tithes were due by law, and to "render unto Cæsar the things which are Cæsar's, and unto God the things that are God's" (Mat. xxii. 21), was specially enjoined by our Lord, who declared that He had not come to destroy, but to fulfil the law (Mat. v. 17). There was no suggestion here that tithes should be diverted to some other purpose; but there was certainly condemnation of the scribes and Pharisees, because they paid "tithe of mint and anise and cummin," and had "omitted the weightier matters of the law, judgment, mercy, and faith" (Mat. xxiii. 23). It was their formalism that was condemned.

When, therefore, it became necessary to provide for the sustenance of the preachers of the Christian religion, occasion was taken to declare that "the labourer is worthy of his hire" (Luke x. 7). From the various passages in the Gospels it has been frequently pointed out that our Lord and His apostles and disciples were supported by pious contributions from their followers and their friends; and it is accordingly maintained that our Lord considered it the duty of those to whom the gospel was preached to give a competent main-

tenance to those who preached it. That His disciples succeeded appears from St. Luke's Gospel, where our Lord, having asked them, "When I sent you without purse, and scrip, and shoes, lacked ye anything? they said, Nothing" (Luke xxii. 35).

The zeal of certain sections of the early Christian converts carried them so far as to sell their possessions and hold the proceeds for the common behoof. The teaching of the apostles had stimulated this community of goods from an impression that the end of the world was near at hand. But the apostles did not require the converts to make over their property, and the sin of Ananias and Sapphira (Acts v. 1–10) consisted in their professing to give up all and keeping back a part.

In the prosecution of the work of the Christian ministry the apostles were sometimes maintained by their friends and followers; at other times they were placed in circumstances which required them to resort to manual labour for subsistence. St. Paul, as opportunity offered, followed his occupation of a tent-maker, and touchingly refers to this when he says—"Yea, ye yourselves know that these hands have ministered unto my necessities, and to them that were with me" (Acts xx. 34). Yet we find a distinct claim also by St. Paul to a maintenance for the Christian ministry when he says—"Do ye not know that they (referring to the Levitical order) which minister about holy things live of the things of the temple? and they which wait at the altar are partakers with the altar? Even so (referring to the Christian ministry) hath the Lord ordained that they which preach the gospel should live of the gospel" (1 Cor. ix. 13, 14).

The persecutions of the Christians during the early centuries of our era, as recorded by Eusebius and other historians, show that Christianity received little encouragement during a long period. The converts persevered in their labours, however, in spite of all obstacles, and finally obtained the recognition and support of the civil power. The blood of the martyrs had been the seed of the Church. But it is not within our province here to trace the causes which converted Rome from being the seat of a pagan civil power, to become the centre of a

great ecclesiastical system, which has come to be known as the Church of Rome. As the Church prospered its possessions steadily increased, and we find that by the time of Pope Gregory the Great, at the end of the sixth century, its property was very considerable. Gibbon has drawn attention to this, and has commended the management and distribution of the revenues of the Church by that pope, whose private estate, as well as the proceeds of the lands held for the Church, were employed for behoof of the Church and the poor.[1]

The teaching of the Church, in the fourth century, was that the tenth was due by God's law to the Church (St. Ambrose and St. Augustine), and that a less part should not be offered (St. Jerome and St. Chrysostom).[2] Canons or decrees of the Church inculcating the payment of tithes were not issued, however, till a later period. The laws made directing the payment of tithes which came into force subsequently were (1) imperial, (2) provincial, and (3) pontifical. We shall have occasion to refer to these in the course of our narrative.

The first imperial, or civil, law in support of tithes was issued by Charlemagne about 778–779,[3] applicable to the French portion of his dominions, and in later years it was applied to other divisions of his extensive empire, embracing as it did parts of Germany, Italy, Spain, Switzerland, and Hungary. The conspicuous example thus set had a wide influence, and encouraged the Church also to enlarge the area of the claim.

From the Continent, as we know, Christianity was introduced into Britain: and the Christian missionaries who arrived at various periods have left, in addition to many traditions, some record of their labours. There can be no doubt that during the missionary period the Church by degrees acquired great influence, and from time to time received numerous grants of tithes and lands.

[1] Gibbon (Bohn's edition), v. 134.

[2] Selden (edition 1618), p. 53. Lord Selborne, in his recent work titled "Ancient Facts and Fictions concerning Churches and Tithes," has gone over the ground occupied by Selden, and points out that the documents now available "leave room for something to be added to his (Selden's) researches, sometimes by way of verification or illustration, sometimes by way of correction and supplement."

[3] See Lord Selborne's work, p. 50.

Lord Selborne, in his "Defence of the Church of England,"[1] considers the property belonging to that Church under (1) gifts by private persons, (2) gifts by kings, (3) tithes, and (4) parliamentary grants. The Church of Scotland has not been so fortunate as to be allowed to retain the gifts of lands which belonged to the old Church before the Reformation; nor can we say much in regard to the endowments through parliamentary grants. The amount of these in Scotland is extremely small. As to tithes, his lordship has pointed out that these were in existence in England, and we may add also in Scotland, before the titles were granted through which the present possessors enjoy their estates.

When Scotland was yet divided into provinces of different races, the Christian missionaries were prosecuting their labours. As Dr. Skene says: "The Church of the Britons of Strathclyde and of the southern Picts was more immediately founded by St. Ninian, who derived his teaching from Rome. The Church of the Angles was an offshoot of that founded by Augustine, a direct missionary from Rome. The Church of the Northern Picts was derived from that founded by St. Patrick in Ireland."[2] There is much information bearing on the early settlement of the Church contained in Dr. Skene's last work on "Celtic Scotland,"[3] which has been industriously collected from a great variety of sources; and there are numerous instances recorded in it of grants to the Church of land and tithes, to which we can only here refer.

Such gifts as were made by the ancient inhabitants were necessarily verbal, as they held their lands, as all uncivilized peoples do, by mere possession. Writing was unknown amongst them except in so far as in use by the missionaries themselves. Accordingly, the Church came into possession of its lands with the *plenum dominium*, or full property, as contradistinguished from grants by a superior to a vassal, belonging to a later period. Property at that period was tribal. Dr. Skene points out that "the next step in the process, as in England, was that the land possessed by the tribe communities came to be viewed

[1] "Defence," &c., p. 182.
[2] "Chronicles of Picts and Scots," Preface, p. clii.
[3] In three volumes; vols. 1 and 2 are in second edition, 1886–87.

as *terra regis*, or Crown land, and the King became the *dominus* or superior."[1] This refers to the introduction of the feudal relation, from which the Church was exempt. In later times, however, the Church granted feus of its own property, thereby becoming superior over its own vassals.

During the reign of David I. (1124–53) the Church rose to great wealth and importance. This "sair sanct" for the Crown was a profuse benefactor on his own account, and he insisted on the payment of teinds by others. In the reign of William the Lion (1165–1214) precepts or mandates were granted by the King for the enforcement of payments, the obligations for which are traceable to the proceedings of David I.[2] We regard these writings, however, as merely corroborative and confirmatory of the state of things which existed before writing came into general use in transactions with the Church.

The tithes which were granted or confirmed in the reign of David I. were increased by several grants of tithe of *can* and *conveth*, which must have been of great importance at that period. Dr. Skene shows that "can" was a payment of dues in kind, while "conveth," originally signifying a feast, came to denote a contribution of animals and produce towards that object.[3] These grants may be regarded as constituting rights to vicarage teinds, for such seems to be their true character.

The words *can* and *convcth* have been treated of at some length by Dr. Skene and Mr. Cosmo Innes,[4] and also more recently by Professor Mackinnon.[5] The last mentions that "in some localities *cain* still means the portion of rent paid in kind:" and that "*convcth*, or food rent, has been commuted into *mal*, the Teutonic *mail* borrowed into Gaelic, or money rent." What is said as to *cain* is not only true as regards the Highlands, but also applies to *kain* fowls which are paid for or commuted in money at a stated conversion, in other parts of the country.

In 1225 the Scottish clergy, although they had no metro-

[1] "Notes to Fordoun," ii. 448, Scottish Historian Series.
[2] See Mr. Cosmo Innes's preface to "Acts of the Parliaments of Scotland."
[3] "Celtic Scotland," iii. 228, and "Notes to Fordoun."
[4] "Legal Antiquities," 204. [5] *Scotsman*, 3rd January, 1888.

politan, were empowered by the Pope to meet in legislative assembly. The canons promulgated from that time till 1559 have been printed, with a valuable introductory notice, in the "Concilia Scotiæ" of Mr. Joseph Robertson, published in 1866, the year of his death. By various canons teinds and firstfruits are specially claimed, vicarage teinds being described with much detail. The vicar was, by one of these canons, appointed to have a sufficient sustenance, affording proof that though really charged and collected for, and in name of, the vicar, the proceeds sometimes went into other hands, leaving the vicar as a stipendiary very poorly paid. Lord Hailes records several instances in which this regulation received effect.[1] The dates of these canons are uncertain, although it is supposed they may have been about or prior to 1269.[2]

In England the information preserved in regard to parishes seems to be earlier in date, and more complete, than in Scotland. The written records referring to the early Scottish parishes are exceedingly defective, and there is reason to believe that much information was lost about the period of the Reformation, when many valuable manuscripts were carried abroad or destroyed. Sir Robert Spottiswoode, afterwards President of the College of Justice, succeeded in recovering on the Continent many manuscripts, which were made use of by his father, Archbishop Spottiswoode, in writing the "History of the Church of Scotland." The library was, however, afterwards rifled by the mob during the troubles, and such books as remained fell into other hands.[3] The work entitled "Origines Parochiales Scotiæ," compiled partly under the editorship of Mr. Cosmo Innes, contains many early notices of the parishes within the districts to which it refers, but it has not been made applicable to the whole of Scotland.[4]

Parochia or *parish*, in England,[5] and it is believed also in Scotland, was originally and for a long time synonymous with *diocese* or *bishopric*. There is evidence also, from the names of places beginning with "chapel," that in early times there

[1] Hailes' "Annals," iii. 153. [2] Robertson, Preface, p. xiii.
[3] Memoir prefixed to Spottiswoode's "Practicks." [4] "Scottish Legal Antiquities," 291.
[5] Toller on Tithes, 8. Connell on Tithes, second edition, i. 18, 19. See also Connell on Parishes.

were districts with probably a considerable resident population, where there was a chapel which had not been elevated into a church with a parish attached. In short, it seems that the missionary work was conducted in outlying districts by inferior clergy or vicars. According to Mr. Cosmo Innes the word *curate* was not much used in Scotland before the Reformation.[1]

The parishes in existence prior to the Reformation appear to have been erected or sanctioned by the Church. Our knowledge as to their erection, however, is exceedingly meagre, and where there have been disputes in regard to boundaries these have been settled by the law courts after an inquiry into the early history of the parish in question,[2] and the manner in which rates have been in use to be allocated. Between 1560 and 1617 several parishes were erected by royal charter, ratified by Parliament, while others were erected by Parliament alone. Probably the Church had suggested, or been instrumental in promoting, these erections—and there are indications of the Church's sympathy in some instances—but the right of the Church to a voice in the matter is nowhere recognized. By an Act of Parliament in 1617, commissioners were appointed with power to erect parishes; and the various teind commissioners appointed by Parliament between that date and 1707 had the like power. In this last-mentioned year the powers of the former parliamentary commissioners were by an Act of the Scottish Parliament transferred to the Court of Session, and it still exercises these powers separately as the Court of Teinds. The judges of the Inner House and the Lord Ordinary on Teinds (the second junior Lord Ordinary), any five being a quorum, compose the court at the present time.

Several parishes later than the Reformation are of doubtful origin, having been settled by the Church without sufficient authority. Some of these were referred to by Lord Moncreiff in the Stewarton case[3] as evidence that the Church exercised the power of erecting parishes, and also of creating second and

[1] "Scottish Legal Antiquities," 203.

[2] Inquiry in Rescobie, see *Jurist*, xli. 273. There were later questions in St. Boswells and Ballingry.

[3] The cases referred to by Lord Monereiff will be found in Robertson's Report of Stewarton Case, 20th January, 1843, pp. 112–116.

third charges, subsequent to the Reformation. These parishes are not numerous nor in regular sequence, and the impression rather appears to be that local parties had concurred in the arrangements which developed into the assumption of the parochial relation. It may be that the intention to obtain judicial sanction had from accidental circumstances been omitted. There can be little doubt, however, that had there been opposition from heritors or others interested, as in the case of Stewarton, the parishes and new charges referred to would not have been sanctioned, unless approved of also by the civil authority.

There is one example of a parish specially set apart by the local parties without judicial authority, and adopted ever since, which is worthy of notice. The parish of Torosay[1] is in this position. In 1720 there were two parishes in Mull, named Kilvicuen and Kilninian; and Murdoch M'Lean, younger, of Lochbuy, applied in name of himself and other heritors to the Synod of Argyll, praying to have a third parish erected out of the two old parishes, and to have part of the synod funds for a stipend to the minister of the new parish. The synod approved of the plan, and granted £300 Scots (£25 sterling) of their teind duties for promoting it. What further steps were taken do not appear, but in fact the present parish called Torosay was settled in this manner from the two old parishes, and has been treated as a separate charge ever since.

The fund from which this endowment was taken was undoubtedly the grant in 1705 by Queen Anne to the Synod of Argyll of "the haill rents, revenues, casualties, and emoluments of the bishopric of Argyle and the Isles for crop 1705, and of all former years resting owing, and in time coming during her Majesty's pleasure for the uses and purposes therein exprest."[2] This accounts for the special appeal to the synod; and it is worthy of notice that the same Queen was conspicuous for her liberality to the Church of England, when, as Lord Selborne relates, that Church received a gift of the "firstfruits" and "tenths," which in former reigns had been uplifted by the sovereign from the period they were diverted from Rome,

[1] Teind Record for 1784, vol. lxix. p. 1022.
[2] Teind Prints in cause Officers of State, &c., 1769.

in the reign of Henry VIII.[1] In England the gift was of great value, but in Scotland the amount granted to Argyll, and to other districts which received similar gifts, was inconsiderable, though of much benefit to the Church at that period.

The Stewarton case of 1843, already referred to, settled the point of law that the church courts had not the power to create or erect new parishes, and that this power belonged to the state, or in other words to the Teind Court, which had been specially empowered to erect parishes. We shall refer to the additional power conferred on this court for the erection of parishes *quoad sacra*, when we come to speak of these parishes.

The character of the parish also had a distinct bearing upon the teinds. At the Reformation there were 940 parochial benefices, of which 262 were designed *patronate*,[2] the incumbent being appointed by the patron, and 678 as *patrimonial*, because they were parts of greater benefices belonging to bishops, abbeys, and other religious houses. In the patronate[3] the incumbent was styled rector or parson, and had right to the whole teinds; while in the patrimonial the teinds belonged to the bishop, abbey, or other religious house, and the benefice was served by a stipendiary or a member of the corporation. The circumstance that certain teinds had belonged to a parsonage[4] influenced the decision in a case before the court so lately as 1878, when the authority of Keith's "List of Parsonages" was recognized by the Lord President.

The religious houses before the Reformation occupied an important position in the country. The abbeys, monasteries, and others, acquired in the course of time, and held, extensive territorial possessions. These were managed with much skill, introducing amongst the people a knowledge of husbandry and other peaceful arts. Thus in their better days they exercised a civilizing influence, and laid the foundation of the future material prosperity of the country. But the seeds of corruption

[1] Lord Selborne's "Defence," &c., pp. 100–104, 160–163, 167; see particularly p. 160.
[2] See Hope's "Minor Practicks," 83.
[3] See Keith's "List of Parsonages," 191, 192; also printed in Appendix to Connell on Tithes. ii. 15–17.
[4] Ballingry case, 15th March, 1878, "Scottish Law Reporter," xv. 441.

had been sown amongst the occupant of these houses, to which, as Mr. Joseph Robertson points out, too frequent references[1] are made in the canons of the Church. They ceased to influence for good, and were swept away. These houses, and the ecclesiastical divisions of the country which existed during pre-Reformation times, have left their mark on the history of teinds and church property, and we shall therefore refer to them briefly in a collective form.

Instead of following the order in which the bishoprics and archbishoprics were erected, it may be convenient to bring the whole into view as they existed before the Reformation, with the dates ascribed to their erection. The dates are in most instances uncertain, and the writers on the subject have assigned different dates. Scotland then was divided ecclesiastically into two archbishoprics, that of St. Andrews, erected 1472, and that of Glasgow, erected 1491. The former had been a bishopric from about the year 870, and the latter from about 560. The bishoprics[2] under St. Andrews were, Aberdeen, about 1070; Moray (Malcolm III.);[3] Brechin, about 1140; Dunblane (David I.); Ross (Rosemarkie), 1124; Caithness, 1066; Orkney Islands, 1468. Under Glasgow the bishoprics were, Galloway, about 450; Argyll (also styled Lismore), 1200; and the Isles, about 447. The diocese of Glasgow comprehended also two archdeaconries—viz. the Archdeaconry of Glasgow proper, and the Archdeaconry of Teviotdale.

The Archbishop of St. Andrews was primate of all Scotland. The archdeacon administered the whole jurisdiction of the bishop, and was by law as well as practice the judge of the Episcopal Court.[4]

The bishops sat in Parliament and had precedence over all temporal peers. Each had absolute power of regulating ecclesiastical affairs within his diocese.

Next in order to the bishops and the archdeacons, the heads of religious houses are the most important. These religious

[1] Preface, 149.

[2] Edinburgh was erected in 1633 into a bishopric by Charles I. with St. Giles as its cathedral. It is not included above, being a post-Reformation erection during Episcopacy.

[3] The regnal years of the kings mentioned were—Malcolm III., 1057–93; David I., 1124–53.

[4] See "Lectures on Legal Antiquities," 181.

houses were too numerous to be mentioned here.[1] They possessed great privileges, and some of them had the power of communicating privileges to their property, which have been given effect to down to the present time.

Churchmen were divided into *Regulars* and *Seculars*. The Regulars lived, according to certain rules of monastic life, in abbeys, priories, or convents, and consisted of canons, monks, or friars. The Seculars were not so confined or solitary in their mode of life, but lived separately in their cloisters or in private houses near to their churches, and were governed by a dean or provost. Some of the orders had sufficient endowments for maintaining them, while others were allowed to beg for a living. The latter included the Black, Grey, and White friars.

There were sixteen orders of canons regular, including those of the Templars, to whom we shall make special reference, who had monasteries in Scotland, and the number of houses was no fewer than 129. The canons of St. Augustine had twenty-eight houses, the largest number held by one order; while some, like the Knights of St. John, or Hospitallers, who had a house at Torphichen, were represented by only one house.

The military orders of the Church of Rome took their rise in the period between the first and second Crusades. The Knights of St. John were the first order in point of time, having been instituted about the year 1099. They were also known as Hospitallers, from the circumstance that they founded an hospital in Jerusalem for those who were wounded during the wars. The hospital had extensive privileges conferred upon it by the Pope in 1113. The order of Knights Templars, also a military order, was formed about the year 1118, and had a white habit assigned to it, to which a red cross was added in 1140. This order became very wealthy and distinguished, from the accession to its ranks of the sons of the nobility over Christendom.

The Templars came to Scotland in the reign of David I., and acquired extensive estates in various parts of the country. The order incurred the displeasure of the Pope, however, and

[1] See Spottiswoode's list annexed to Hope's "Minor Practicks."

it was suppressed in 1312, and much of its property was transferred to the Knights of St. John. Although suppressed two years before the battle of Bannockburn, the Templars have impressed their name on numerous places, not only in Scotland, but also in England and Ireland. In Scotland[1] places named Temple, Templecroft, and so forth, are memorials of the order. Many old houses in Edinburgh and Leith had till recently the cross of the order upon them.

The last preceptor of the order of St. John in Scotland resigned the landed estates of that order into the hands of Queen Mary, and in the year 1564 a Crown charter was granted in his favour, by which the estates were erected into the temporal lordship of Torphichen.[2] Part of the estates have continued in this family to the present day. The Templars were so highly privileged that by the canon law their lands were exempt from tithes, and Temple lands enjoyed this privilege in Scotland both before and after the suppression of the order. But in 1748 the law courts held that the Templars being a military order, Temple lands were not church lands liable to be designed as glebe; and in 1800 it was decided that the privilege of exemption from tithes was personal to the Templars, and that accordingly Temple lands were not exempt from paying stipend.

The last class of religious houses to which we have to call attention is that of the Collegiate Churches,[3] which were instituted for secular or parochial clergy. The office-bearers consisted of a dean or provost, and prebendaries [*prebenda*, a living] or canons [*canonici*], who made up the chapter. The numbers composing a chapter varied. The collegiate churches sprang up in the fifteenth century. They had a number of churches associated with them as prebends. Mr. Laing has made up a list of thirty-eight collegiate churches.[4]

The limited use of writing during the early centuries of our era has left much of the history of the period in obscurity. To churchmen, as the only educated men of the period, fell the

[1] See County Directory of Scotland for numerous examples.

[2] See case of Lockhart *v.* Lockhart, Honse of Lords, 15th August, 1853, *Jurist*, xxv., 559, as to superiorities of Temple lands.

[3] See Forbes on Tithes, 32, 33; Hope's "Minor Practicks," 518.

[4] See "Register of Great Seal," published 1882, for much information as to grants of patronage of collegiate churches.

duty of chronicling what came under their observation; and what they chose to leave unrecorded must remain unknown. Mr. Cosmo Innes points out that "the very oldest writ in the shape of a charter" is dated about 1094. Such documents were written by the clergy. The reports by clergymen, under the inquiry at the instance of Charles I. in 1627, on the teinds in their parishes,[1] is also instructive, as it appears that the minister in some cases was the only person in the parish who could read and write. The elders in some cases are left on record as having declared that they could not write; and sometimes they have subscribed by a mark—a sad blot on the subscription of elders.

The position of the clergy during the period immediately preceding the Reformation is very clearly described by Keith:[2] "The clergy in Scotland were in possession of a great many lands and revenues which by donation pertained in property to the Church; and besides, the clergy, being almost the only men of letters at that time, came of course to be advanced to the highest places of honour and profit in the kingdom. By means of both which fountains of wealth they not only turned idle and voluptuous themselves, but became likewise the objects of hatred to the great and of contempt to the small, so that to pull them down both nobles and commons could heartily agree." Unfortunately the desire for reformation did not find the higher orders disinterested in promoting that object. Keith observes that "the mob, influenced by the preachers, were not more keen to throw down the buildings, than the nobility and gentry were to plunder the revenues of the church." We take exception only to the general statement that the preachers, or say reformers, were the cause of the destruction of the old buildings. Some of these, no doubt, can be so charged against even Knox himself, but it has to be remembered also that some of them suffered from the ravages of war.

The extent of the possessions of the Church has been variously estimated, and perhaps the best idea of their growth and extent may be formed from the celebrated pleading by

[1] Printed by the Maitland Club.
[2] Introduction to his "History of Church and State," 2, 3.

Mr. Thomas Thomson on "the Old Extent."[1] He has there shown that the church lands, from the period of Robert Bruce, were assessed for taxes to a large amount. For the purpose of meeting a demand by Pope Gregory X., in 1275, for a tenth of the ecclesiastical revenues for six years for the relief of the Holy Land, a roll was made up, named after his special legate Bagimont's roll, and the roll continued to be the rule not only of papal exactions, but of all ecclesiastical contributions to the state down to the establishment of the new roll of valued rent made up in the reign of Charles II. The spiritual lands of the kingdom were invariably subjected to a separate system of contribution. This was not levied by the sheriff and officers appointed by the Crown, but by collectors of the Church's own appointment. A return of the period about 1366 is referred to by Mr. Thomson, from which it appears that the *old taxation* of the bishoprics amounted to £15,002 16*s.*, probably, as he suggests, the taxation of Bagimont in 1275, and the true value may be no more than £9396 6*s.* 6*d.* The temporal lands and rents in the several counties, according to the old extent, amounted to £48,249 7*s.* 8*d.*, while the true value was £22,239 10*s.*[2] No safe conclusion can be drawn from the figures here given as to the quantity of lands held by the Church, as compared with those held by the laity or ordinary landowners of the period. In point of quality the church lands were some of the best in the kingdom.[3]

The rights of the Romish clergy in administering and disposing of church property were regulated and restricted by papal rescripts and the canons of the Church.[4] The clergy were also restricted in the manner of acquiring property to the prejudice of heirs. Specially the law of deathbed was introduced to secure dying persons against importunity.[5] This law was abolished in 1871.[6] In spite of all restrictions, however, there was, before the Reformation, a considerable num-

[1] Mr. Thomson's paper is referred to by Mr. Cosmo Innes, "Scotch Legal Antiquities," 12. It has not been printed as a separate treatise, but a copy as printed for the law courts may occasionally be had.

[2] Memorial prepared by Mr. Thomson, 24.

[3] See Mackenzie's observations on Acts of Parliament, 304.

[4] See Buchanan on Teinds, 12–15.

[5] Forbes, 107.

[6] Act of Parliament, 34 & 35 Vict. cap. 81.

ber of grants by churchmen, particularly in the reign of King James V. (1513–42) and his immediate successor, Queen Mary, whose reign may be held as extending continuously to the period of her abdication in 1567.

Soon after the Reformation an Act was passed (1564, cap. 88) declaring all feus of church lands granted after 8th March, 1558, void if not confirmed by the Crown; and by another Act twenty years later (1584, cap. 7), all feus of church lands granted before 8th March, 1558, not confirmed by the Crown or Pope, are declared void. The Act of annexation,[1] passed on King James VI.'s attaining majority (1587, cap. 29), annexed the church lands to the Crown under certain exceptions; and a grant of lands by churchmen not confirmed prior to 1587 is not among the exceptions. The rule has been followed in practice of requiring confirmation by the Crown or the Pope, before 1587, to found claims of exemption from teinds under a grant of lands *cum decimis inclusis* (with the teinds included), the additional words *et nunquam antea separatis* (and never before separated from the stock) being essential to make an effectual title. These grants being conveyances by one of the privileged orders of churchmen of the lands, with the teinds included, were peculiar to a short period preceding the Reformation.[2] But unfortunately for the holders of such titles, it was not always the case that the teinds had not been separated from the stock, as set forth in these grants, and consequently, so far as the conveyance of teinds was concerned, they failed to establish a right of exemption. Where lands were feued with the teinds for a *cumulo* feu duty, the Act of 1587 provided that the tenth of the feu duty was to go to the titular (person in right of teinds), and the remaining nine-tenths to the Crown.[3] As we shall have occasion to observe, the various measures passed for the purpose of preserving the church lands to the Crown failed in their object.

The rapidity with which the church lands and teinds were appropriated about the period of the Reformation — say

[1] The Act of Annexation is cap. 8 of Thomson's edition of the Acts.

[2] See Lord Ardmillan's remarks in the case of Stewart, 10th July, 1858, *Jurist*, xxx. 733.

[3] See supplement to Sir George Mackenzie's observations on the Acts of Parliament under *decimæ inclusæ*. There are several decisions on the subject—some of them not reported.

1558–67 — and subsequently, is a serious blot on some of the reformers. They contrived to have the lands made over to them by royal grants, which created the owners of the lands "lords of erection," and the grants of teinds constituted the holders thereof "titulars." The services for which these grants were alleged to be the reward were of the most shadowy description. The unsettled state of the country for a considerable period during Queen Mary's reign, and afterwards during the minority of King James VI., had favoured these transactions. The King, when he began to take an active part in public affairs, was more engrossed with the form of church government than the preservation of the church lands for the benefit of the nation. It does not fall to us here to record the changes of church government beyond this, that beginning with Presbytery in 1560, Episcopacy was imposed in 1584, and withdrawn in 1592; again imposed in 1606, and continued into the reign of Charles I.

The Reformed clergy, at first few in number, experienced great difficulty in procuring the means of subsistence. The old clergy were not at once deprived of their livings, as is commonly supposed; on the contrary, many of them remained in possession, and abused their position by diverting church property and revenues to other hands. Archbishop Spottiswoode says they took the opportunity to make away "all rents, manses, glebes, tithes, and whatsoever else belonged to the Church unto some great ones that were their friends and kinsmen, who found the means, by making corrupt laws, to strengthen their titles, and so from time to time, under colour of right, defrauded the Church of her due patrimony."[1]

To make provision for the Reformed clergy, the Privy Council, in 1561–62, by several acts of council,[2] devised a scheme by which two parts of the rentals of ecclesiastical benefices within the kingdom were to remain with the beneficed persons, and the other third was appointed to be uplifted by

[1] See Keith's "History," footnote, p. 507. There were four volumes of Records of Compositions in feu charters subsequent to March, 1558. Only two are in the General Register House.

[2] Printed in Keith's "History," Appendix, 175–179. For list of bishoprics and rentals thereof, see p. 180; rentals of abbeys, &c., p. 182. See also Forbes on Tithes, pp. 114, 115.

collectors nominated by the Queen. Out of the last third Her Majesty was to support the new ministers, and the surplus ("superplus" it was called) was to be employed by the Queen in the administration of the state. This method of payment proved most unsatisfactory, and was denounced by Knox. His well-known description of it was that two parts were freely given to the devil, and "the third part must be divided between God and the devil." Indeed the third was frequently discharged by the Queen without any payment. Thus for some years the provision for the Reformed religion was exceedingly meagre.

The Act of Parliament 1567, cap. 10, recognized that the ministers had been long defrauded of their stipends out of the thirds, and ordained that the ministers should be first paid their stipends out of the whole thirds, "notwithstanding ony discharges given by our sovereign lord's mother to quhatsumever person or persons of the said thriddis or ony pairt thereof; ay, and quhill the kirk cum to the full possession of their proper patrimonie, quhilk is the teinds."

A commission, known as the Commission of Plat,[1] was appointed in the Act 1592, cap. 15, to superintend the allocation of stipends out of the thirds, which continued to act for many years.[2] There were several later Acts of Parliament on the subject of the thirds, to which it is unnecessary to refer, but it may be noted that in the Act restoring bishops, 1606, cap. 2, it was provided that ministers should continue to be paid out of thirds.

In 1617 a new commission was appointed for plantation of kirks, with powers to assign stipends; and under this act tacksmen of teinds were to receive recompense for additional charges upon the teinds, in the shape of prolongation of their tacks upon favourable terms. These tacks had been obtained from churchmen for long periods of years at nominal tack duties. A number of stipends were dealt with under that Act, which is the last during the reign of King James VI. to which we have

[1] *Plat* meant a plan or scheme, apportioning stipend upon places. The modern "Scheme of Locality" has the like object.

[2] Several of the registers connected with the payments out of thirds are preserved amongst the records in the General Register House. See also "Wodrow Miscellany," 329–394, for a specimen.

occasion to refer on the subject of stipends. The various measures did not produce the results anticipated, and the condition of the clergy was still unsatisfactory.

The methods by which churchmen uplifted their teinds before the Reformation were various. They recovered the parsonage teinds by uplifting the tenth sheaf from the fields, called *teinding;* or they obtained payment by delivery of a quantity of grain, called *rental bolls;* or they obtained a *tack duty* from a tacksman, to whom the teinds were let. The vicarage teinds were uplifted in kind or paid for at a stated conversion. When payment of teinds was refused, there is evidence that in early times the royal writ[1] was brought to bear on defaulters, and in more recent times an action was raised in the law courts.[2]

After the Reformation the titulars and tacksmen to whom the teinds had been made over gratuitously, or for nominal tack duties, were more exacting and oppressive in the manner in which they conducted the teinding than the churchmen had been. This called for the interference of the legislature in 1579. An Act (1579, cap. 11) was passed in consequence, which sets forth the injury suffered by the labourers of the ground, through the titular and tacksmen of teinds delaying the teinding and causing the crops to be wasted on the fields, or if removed by the owner causing him to fall in danger of a spulzie (action of damages). The Act provides that teinding should take place within eight days after the cutting of the grain, or otherwise (after intimation) the labourer might separate the stock from the teind at the sight of two neighbours, and leave the latter on the ground, but to be protected from beasts until the 1st November.

Several Acts were passed subsequently, the latest being Act 1617, cap. 9, which Sir George Mackenzie referred to as containing the current law at the time when he wrote (in 1680).[3] Indeed it is still the current law, for the law of teinding has not been abolished, and it has only ceased to be operative in respect of heritors having obtained rights to teinds or valuations

[1] See documents printed in Thomson's edition of Acts of Parliament. Index, *voce* Teinds.

[2] See teind documents in Lord Clerk Register's Department, General Register House.

[3] Observations on Acts, 190.

under the measures introduced in the reign of Charles I., to which we shall afterwards refer. Even at the present day the owner of the lands only gets a warrant to "lead and draw" the teinds of his own lands when he obtains decree of valuation. There is one small holding near St. Andrews where certain Crown teinds are uplifted in kind[1] to this day, as has been stated by a recent tenant. Where teinds are unvalued there can be no proper claim to arrears at the instance of the titular, because the claim is an indefinite one, and the titular ought to enforce it during the period when the teinds should be uplifted,[2] otherwise it will be held departed from.

For all practical purposes now the teinds are divided into two classes, (1) the parsonage and (2) vicarage; and in all cases where augmentations of stipend are granted by the Teind Court at the present day, the augmentation is awarded out of the teinds, parsonage and vicarage, of the parish. Parsonage teinds, as we shall afterwards notice, have been increased by the rule of taking a fifth of the rental instead of a tenth of the produce even where lands are not under cultivation. This fifth, however, is in full of the teinds parsonage and vicarage.

On the accession of Charles I. in 1625, the Scottish people were still dissatisfied with Episcopacy, which had been forced upon them in the preceding reign contrary to their religious views. On his side the King was dissatisfied with the limited revenues[3] derived from Scotland, through the various alienations of church lands and teinds to which we have referred. The measures which were taken, following upon an Act of Revocation by the King, and to which we are now to call attention, have influenced teinds in Scotland to the present day. The steps which the King took to recover part of the alienated property embittered his relations with the landowners, who were not

[1] Lyon's "History of St. Andrews," footnote, 143.

[2] See case of Lady Graham, 20th February, 1799, Dictionary 15,774.

[3] At that time the sovereign had no separate establishment, and the royal and public revenues were mixed up together. Some of the evils thence arising in the reign of Charles I. are referred to by Mr. Foster in his life of "Sir John Eliot." It was reserved to a later reign to place these matters on a sounder footing, and to restrict the rights of the sovereign in dealing with public property. The distinction was begun after the restoration of Charles II., and was improved upon in later reigns, as may be traced in the history of our Civil List.

unwilling to accept Episcopacy to please the King, while the proceedings for enforcing Episcopacy, which had commenced in the reign of his father, had no less alienated the common people.

The object the King had in view has been variously stated. Sometimes it was stated to be for the benefit of the occupants of the soil, because they were exposed to the inconvenience and annoyance of *teinding;* but this could not have been a prominent reason, as *tithing* was continued in the larger and richer country of England, including Wales, and no provision was made for discontinuing it before 1836. The true reason appears to have been to obtain additional revenue from Scotland, as is openly stated in numerous royal missives of the time. The landowners were certainly not favourable either to the surrender of church lands or the valuation of their teinds, and obstructed the commissioners afterwards appointed to the utmost. It is no less true that landowners now who are fortunate enough to have valuations of the period of Charles I. gladly accept them and insist upon their being adopted to the utmost in the various proceedings for augmenting stipends.

The Act of Revocation of Charles I. was executed on 12th October, 1625,[1] and extended to all acts done in prejudice of the Crown during the two preceding reigns. In the following year a further proceeding was adopted to set aside the grants by a summons of reduction before the Court of Session.[2] The nobility and others who had profited by these grants became alarmed at these preceedings, and in 1626 presented a petition and remonstrance to the King, pointing out in strong terms that the grants had been the reward of services to the Crown, and the injury that would be sustained by them and those who had derived titles from them were the revocation insisted on. They made no allegation that the church lands had originally formed part of their estates, a view suggested by Dr. Taylor, but which is entirely unsupported;[3] but they expressed their willingness to treat, and prayed that commissioners might be appointed for this purpose.

[1] See Act of Parliament, 1633, cap. 9 (Thomson's edition).
[2] See Connell on Tithes, i. 133, and Appendix.
[3] "History of Scotland," i. 694. For a copy of the petition see Buchanan on Teinds, p. 491. See also same work, p. 26, *et seq.*

In answer to this appeal, the King, in 1627, appointed a commission for receiving surrenders of church lands and teinds, usually described as Commissioners of Surrenders and Teinds. He had in view, (1) That the Crown should receive an annuity from the teinds; (2) that lands and teinds alienated from the Crown should be restored or confirmed to possessors on suitable conditions; (3) that churches should be provided with ministers, and the ministers should have competent stipends; (4) that teinds should be valued so as to supersede the uplifting of teinds from the fields; and (5) that proprietors should be enabled to acquire the teinds of their own lands. In making this classification we have followed the order observed in the submissions and decreets arbitral thereon by the King. The purposes are, however, stated in a somewhat different order and manner by Lord Justice-Clerk Hope in a case which occurred in 1858.[1]

There were four different submissions executed in 1628 and 1629 by (1) lords of erection and others, (2) archbishops, bishops, and clergy, (3) the burghs,[2] and (4) tacksmen. By these the King was empowered to adjudicate and annex a certain patrimony to the Crown. The King's four awards—corresponding to the four submissions—are all dated 2nd September, 1629, and bear that His Majesty had consulted "a number of our nobility, Privy Council, and others," but the chief adviser was Sir Thomas Hope, joint lord advocate with Sir William Oliphant in 1626, and sole advocate in 1628, and who prepared the Act of Revocation in 1625.[3] The chief points decided were that the feu duties of the lands embraced in the first-mentioned submission should be redeemable by the Crown at ten years' purchase, and the Lords of Erection were ordained to give in just rentals; that heritors were to have and enjoy the teinds of their own lands, and were required to exhibit their rights, the teinds to be valued at one-fifth of the constant rent which the land paid in stock and teind when the same were valued jointly, and where the

[1] Case of Dunlop and Allan, 2nd June, 1858, *Jurist*, xxx. 630.

[2] The burghs had received grants of teinds towards maintaining city clergy.

[3] It has been stated that he undertook to bring back all the church lands to the Crown (Burnet's "History," i. 30). See also Omond's "Lord Advocates of Scotland," i. 93–147.

teinds were valued apart the fifth of the rent was to be taken for teind, deducting one-fifth for ease of the proprietor, afterwards called king's ease; that the price should be nine years' purchase; that the heritors were to purchase only subject to ministers' stipends and other pious uses; and that part of the price or yearly duty was to be applied to the King's use, and it was remitted to commissioners to determine the amount.

With reference to the bishops, who claimed that they should not be prejudiced by their submission, it was appointed that they should enjoy the fruits and rents of benefices as at the date of the submission, without burden of the King's annuity, but reserving the right to the annuity on the expiry of tacks.

As regards the burghs there is a special finding that they were only to pay the annuity on the excess of teinds after providing for pious uses, therein specified as—sustentation of ministers, rectors, and regents of colleges, masters of schools, poor of hospitals of the several burghs. At a later period, as we shall afterwards point out, the words "pious uses" were more comprehensive than here indicated.

The King was never in a position to pay the price of redemption of the superiorities of church lands; and so late as last century an Act was passed by the Scottish Parliament (to whose Acts we have been heretofore referring), on the eve of the union with England, discharging the Crown's right of redemption. The Act[1] is entituled: "An Act renouncing the Reversion of Kirk Lands," and the narrative upon which it proceeds bears "that the said Lords of Erection and their successors in their rights have been always most dutiful to Her Sacred Majesty and her predecessors." Thus, as the reward of their good behaviour when good subjects were considered scarce—if the limited number of beneficiaries, when compared with the rest of the subjects, be considered—they were allowed, gratuitously, to keep the church lands and superiorities which King Charles I. had been so anxious to recover.

The words "pious uses" have been referred to in connection with the burgh decreet arbitral, which specifies certain objects

[1] Act 1707, cap. 84.

as comprehended therein. They are, however, often employed without any explanation of what things or objects are embraced therein. Indeed, they seem to have been generally employed to avoid specification. We notice them, because they are frequently employed in the submissions and surrenders of teinds and the decreets arbitral of the King. In addition to those objects already mentioned, the words were held to include the payment of a reader and a schoolmaster,[1] and communion elements, which have been payable out of teinds, and not out of stock, from early times.[2] In the memorandum by the burghs, dated 16th September, 1641, anent the new commission for the ministers' stipends,[3] they ask that "pious uses" be condescended on and not remitted generally to the commissioners. It would seem that they were dissatisfied with the too flexible interpretation of the words then in use. The Act, which passed 15th November, 1641, does not, however, deal with this, although it provides for stipends and communion elements, and that certain teinds are to be applied to the maintenance of the ministry and of the universities and colleges, and "other pious uses." We have not space to refer in detail to the other objects which have been held covered by the words.[4]

The commissioners appointed by the King's Commission of 17th January, 1627, proceeded with the valuations (under instructions given in June, 1628) in 1629, and in 1633 several Acts were passed, the King himself being present in the Scottish Parliament, confirming the proceedings and making various provisions. Teinds held by bishops were secured to them upon the terms stipulated, and they continued in possession, during Episcopacy, by uplifting the teind sheaves or rental bolls or the tack duty where the teinds were under tack. Certain proceedings by the clergy in 1627, setting forth the teinds in their parishes, have been held to be of a tentative character, and not capable of being approved by the High Commission as valuations of teinds.[5]

As the work of the commissioners proceeded and the teinds

[1] Connell, ii., Appendix 83. [2] Ibid. i. 118. [3] Thomson's Acts of Parliament, v. 664.
[4] See Duncan's "Parochial Law," second edition, 326–329, for further illustrations.
[5] See case of Dunlop and Allan already referred to. Some of these valuations have been printed by the Bannatyne Club, and have also been already referred to.

were valued, the titular uplifted the amount at which the teinds were valued less the amount due for stipend and other pious uses. His right to teind the crops ceased, and the occupier of the soil was left in possession of the produce, from which he had only to pay rent. The landowners thus became responsible for the teinds and stipend payable therefrom, and as the teinds were valued from time to time the right of teinding ceased. In only a few instances have landowners in Scotland stipulated that their tenants should pay the stipend. The law courts have, however, in these cases held that the landowners were responsible, not merely for the expenses of allocation upon the lands, but also for seeing that it was done with accuracy.[1]

The progress made with the valuations during the reign of King Charles I. was very considerable, although occasionally interrupted by the civil wars. Little was done during the period of the Commonwealth, but the work was again resumed after the restoration of Charles II. New commissions were granted by Parliament at various periods down to 1707, when the work, as we have already mentioned, was devolved on the judges of the Court of Session as commissioners for plantation of kirks and valuation of teinds. Valuations are still dealt with by the present commissioners, and are chiefly disposed of by the Lord Ordinary on Teinds.

Many of the teind records, along with the other records of Scotland, were sent to London about the year 1650 under the orders of Cromwell, and the greater part was lost at sea in the course of being restored in 1660. Through this disaster and a fire which occurred in the Teind Office, Edinburgh, in 1700, the teind records prior to 1700 are in an imperfect and incomplete condition. Recourse was had to the valuations and other decrees in the hands of landowners, from which, under the Act of 1707, a register has been made up which to some extent supplies the want of "the lost records."

While the effect of the early valuations has been to restrict the amount of teinds now available, it has also had another important effect. Under the old system the teinds were taken from the fields after the crops were reaped, but as much of

[1] Earl of Glasgow, 24th February, 1849, *Jurist*, xxi. 238.

the land in Scotland is incapable of cultivation, it was previously only subject to payments of a vicarage character. The rental having, however, been made the basis without regard to cropping, the fifth of the rental is taken of lands which were never under cultivation, being the same rate as for lands which have been cultivated. Thus the fifth of the rental is taken in both cases.

When the fifth of the rent was held equal to the value of the drawn rents, after deduction of the King's ease, the rule had a solid foundation, because *teind and third* was an ordinary rent in Scotland at the time. It is illustrated in two ways:—Suppose that the rent of a piece of ground, whereof the product is 100 bolls, is computed at 40 bolls, one-fifth of which is 8 bolls; these 40 bolls were composed of *teind and third*, allowing 10 bolls to meet the titular's claim for teinds which he uplifted on the ground, and one-third of the remainder, or 30 bolls, to the landowner in name of rent.[1] By the other method the teind of 100 bolls is 10 bolls, from which deduct one-fifth for the King's ease, the valued teind remains 8 bolls,[2] as in the other case where one-fifth of the rent is taken.

The hopes of a permanent increase to the royal revenues contemplated by King Charles I. were never realized. During the progress of the valuations of the teinds the King's annuity was kept in view, and it became possible also to extend it to some degree beyond the valued teinds. But it never extended over the whole teinds of Scotland. The annuity was converted into a security for a debt of £10,000 contracted by the King to one James Livingstone, groom of his bedchamber, to whom it was assigned. The right was afterwards sold to the Earl of Loudon, who was empowered to sell it to such parties as chose to purchase it. In 1674 it was stopped by royal warrant, which discharged all arrears preceding 1660. It would appear that at one time there had been an intention to resume the Crown's claim to the annuity, but it has not been moved in for more than 200 years.[3]

[1] Another third was allowed for seed and expenses of working a farm, and the remaining third was for the tenant's living. Might a similar arrangement not be adopted in the present day in apportioning produce or its value.

[2] Old Teind MS. Also Prints in Crieff case, 1812.

[3] The information was supplied for the second edition of Sir John Connell's work on Tithes (to which we have throughout referred), i. 270, 271.

The main purposes of the proceedings instituted by King Charles I., so far as the Crown was concerned, were a failure. The annuity not having been secured out of the teinds of the whole lands in Scotland, but only from a small part of them, yielded an insignificant return, and was soon abandoned; and the church lands and superiorities[1] remained with those who had received gratuitous grants and their successors (or others who had acquired right from them) without any payment therefor to the Crown.[2]

The right conferred upon patrons to unappropriated teinds falls also to be noticed in this place. After the Reformation it was usual for patrons[3] to bargain with presentees to pay a limited stipend on condition that the surplus teinds should belong to the patrons. They thus used their position in parishes where the presentee would have right to the whole teinds, to restrict the provision to the minister and secure part of the revenues of the benefice to themselves. These simoniacal contracts were countenanced by the Act 1612, cap. 1, which declared it lawful for the patron to make an agreement with the presentee provided a competent maintenance were reserved to him. And in the Act 1649, abolishing patronage, the patron's right to the unappropriated teinds is declared to be good and valid. Again, in 1662, when the Act of 1649 was rescinded, the patron's right to the surplus teinds is recognized. The patron's rights were still recognized by the Act 1690, cap. 23; Act 1693, cap. 25; and 10 Queen Anne, cap. 12; but whereas by the proceedings in the reign of Charles I. and Act of Parliament 1633, cap. 17, titulars were obliged to sell to heritors the teinds of the lands at nine years' purchase, under the Act 1690, cap. 23, patrons were obliged to sell at six years' purchase. The abolition of patronage in 1874 has not affected the teind rights except in the matter of compensation to patrons, which is declared payable by four equal yearly instalments out of the first four years' stipend of the new incumbent; but where the instalments

[1] See as to grants, Forbes on Tithes, 97–103.

[2] See Lord Justice-Clerk Hope's remarks in Dunlop and Allan's case.

[3] See Lord Kames' "Elucidations," article 38, p. 312, for an interesting article on teinds given to the patron by Act 1690, cap. 23. The practice of bargaining with the presentee seems to have prevailed also in England at one time.

are not asked within the period prescribed, the patron's claim to compensation is lost.[1]

When the teind business formerly conducted by Parliamentary Commissioners was devolved on the judges of the Court of Session by the Act of the Scottish Parliament 1707, cap. 9,[2] certain powers were conferred on the new Court of Teinds in addition to those exercised by the former commissioners. The judges when officiating in this new department were, and still are, described as commissioners for plantation of kirks and valuation of teinds. The business of the court was partly discretionary and partly judicial. In the former category was the augmentation of stipends out of teinds. This question involved a keen struggle between the landowners and the clergy during last century. The court held that only in certain special circumstances, where a stipend had not been dealt with by the court, was it incumbent to grant an increase to the stipend. Two schemes were successively laid before Parliament—one in 1750 and another in 1788—at the instance of the clergy, proposing to confer power to augment stipends, but the landowners successfully resisted in both cases. The matter was only set at rest by a decision of the Court of Teinds favourable to augmentations, which was affirmed in the House of Lords in 1808. This led to the passing of the Act of that year,[3] which is still the regulating statute on the subject. Under this Act, where there were free teinds in the parish, augmentations of stipend were allowed every twenty years, and stipends wherever practicable were to be awarded in grain or victual.

The effect of the granting of augmentations of stipend down to the present time has been to recover, from all sources and from all parties holding teinds, such an amount as will, in the judgment of the Court of Teinds, form a suitable stipend. This, however, does not apply to parishes where the teinds have long been exhausted, and which have been augmented under the Small Stipend Acts passed in 1810 and 1824, for which £12,000 per annum was granted from the revenue of Scotland. The teinds have also been exhausted through the augmentations

[1] Case of Earl of Strathmore, 1st February, 1888, *Scottish Law Reporter*, xxv. 272.
[2] Cap. 10 of Thomson's edition.
[3] 48 George III., cap. 138.

in many other parishes. Altogether it is believed that in 476 parishes the teinds are now exhausted, while in fourteen others the free teind in each case is under £10. The parishes having a larger amount of free teinds are 390 in number. In those instances where the teinds are of large amount the proprietors hold rights to their teinds, and have been indifferent about valuations, seeing that the only claim that can be made upon them under their teind rights is for stipend, which can only be increased at intervals of twenty years under the Act of 1808, as already pointed out.

Owing to the teinds having been chiefly valued in grain or victual, and the stipends awarded under the Act of 1808 being also chiefly in grain or victual, such estimates of the value of teinds, stipends, and surplus teinds as appear in Parliamentary returns cannot be relied on. They have been computed at different periods for augmentation purposes according to the fiars prices of the county, which are struck before the sheriff and a jury in the spring of each year, and consequently these prices fluctuate very much. It is, however, not a little remarkable that the whole teinds, according to the last return (1888), amounted to £375,678, while the rental of the lands in the parishes from which teinds are derived amounted to £12,390,992. The rental of the lands has vastly increased during the last two centuries and a half, while the value of teinds, valued at the beginning of that period, has been stationary. Had one-fifth of the present rental been taken the teinds would have been over £2,000,000 sterling, after allowing for considerable deductions. The effect of the measures of Charles I. (partly carried out in his reign, but much subsequently) for valuing the teinds has been a gain to the landowners of Scotland of upwards of £1,500,000 per annum, while there is so much less available for increasing the stipends of the clergy.[1]

[1] The following notes and summary of the rental of lands and value of teinds, from a return printed by order of the House of Lords, 3rd May, 1888, may be useful for reference:—

(1) The teinds for each county cannot be stated separately, in respect that several parishes are situated in more than one county, and that the scheme of locality (allocation upon the heritors) of a minister's stipend is made up for the parish without distinguishing, when the parish is situated in more than one county, how far the teinds are derived from each county. The parishes are therefore stated according to presbyteries and synods as the nearest to the arrangement required by the return that can be given. (2) The value of the victual teinds is stated in the return at the same conversion as made for recent

From what we have already stated, however, it will be observed that where the teinds now available in sundry parishes in Scotland are of small amount, this arises in respect of the early valuations, and not because of the old gratuitous grants to titulars, who undoubtedly did derive much advantage from these for a long period. But the teinds have been taken from titulars and all others holding teind rights whenever they have been required for augmentation purposes; and so far as teinds are now unexhausted they are still subject to the periodical augmentations which may be awarded to the minister of the parish from which the teinds are derived. There can be no warrant, however, in taking them for any other purpose, in respect that teind rights, acquired in many cases by purchase from the Crown, are subject only to the claim for stipend and augmentations thereof.

returns (exclusive of shillings and pence), except in cases where a change has occurred by subsequent augmentations of stipend, for which separate calculations have been made. (3) The teinds and stipends are not yet accurately ascertained in some cases, and are continued at the amounts stated in former returns, and where teinds are simply unvalued the value is stated in this return at the amount (exclusive of shillings and pence) given in the last return, or if more recent, the last state of teinds. (4) The present return does not include town parishes, in which there are no teinds. A list of these was appended to the return to the House of Commons, No. 315 of the session 1884. (5) The rentals have been taken from the valuation rolls for the year ending Whitsunday, 1887, which were the rolls in force at the date of the order calling for this return.

The following abstract brings out the results, which are given in greater detail under the respective presbyteries:—

Synod.	Rental.	Value of Teinds.	Teinds appropriated to Stipend and Communion Elements.	Teinds unexhausted.
Lothian and Tweeddale, . .	£1,319,848	£43,422	£28,161	£15,261
Merse and Teviotdale, . . .	727,573	41,482	20,876	20,606
Dumfries, ...	637,803	29,220	15,395	13,825
Galloway, ...	497,809	11,923	9,675	2,248
Glasgow and Ayr, ...	3,906,454	72,732	40,421	32,311
Argyll, ...	557,157	9,642	9,296	346
Perth and Stirling, ...	1,031,850	38,792	20,484	18,308
Fife, ...	730,854	28,978	20,816	8,162
Angus and Mearns, ...	793,107	24,229	19,266	4,963
Aberdeen, ...	1,001,015	30,502	22,347	8,155
Moray, ...	474,655	20,201	15,343	4,858
Ross, ...	209,734	9,886	7,291	2,595
Sutherland and Caithness, . .	223,912	6,678	5,140	1,538
Glenelg, ...	159,534	3,344	3,330	14
Orkney, ...	71,031	2,737	2,598	139
Shetland, ...	48,656	1,910	1,891	19
	£12,390,992	£375,678	£242,330	£133,348

In the modern decrees of the court it is still declared that the stipend and augmentations are payable out of the teinds, parsonage and vicarage, of the parish. The vicarage teinds[1] are, however, of small amount at their converted value; the greater part have been lost by desuetude. Under the system of payment introduced at the Reformation there was room for this. The clergy could only uplift what was assigned to them, not having right to the full teinds, parsonage and vicarage, so that where the vicarage has not been included in a valuation, and no claim made for it for a period of forty years, it has been lost.

The peculiarities arising from the different privileges of teinds, involving classification in the order of liability for stipend, have ceased to be of the importance they were formerly. The unprivileged and least privileged, being first liable to appropriation, have been to a large extent exhausted, and questions of privileged teinds occur now in only a few parishes. At one time, where the teinds were under tack, the decree of the court imposed an obligation on the tacksman to pay the stipend; and where the titular claimed the right to allocate the stipend, he was allowed to do so. This right is occasionally exercised to this day. In the general case, however, a common agent is appointed in terms of the regulations laid down by the court. He inquires into the teind rights of the whole heritors, and makes up a state of teinds from which a scheme of locality is prepared by the teind clerk.

Many heritors, in order to save further claims and to avoid future expense, have surrendered their teinds to the minister, and these are stated in the scheme of locality—not half-meal half-barley, the ordinary rule—but in the quantities of victual (and in money where a part is valued in money) according to which they have been valued in the decree of valuation. After surrendered teinds the order of localling is as follows:—[2]

(1) Teinds in the hands of the titular—*i.e.* teinds which he is entitled to uplift from the landowner who has acquired no title to them.

(2) Teinds to which the landowner has a heritable right,

[1] Fish teinds fall under this category, and have also suffered restriction. The "Fish Teinds (Scotland) Act, 1864," made provision for commuting these in districts where they were still uplifted, as in Berwickshire.

[2] See Buchanan on Teinds, 256, *et seq.*

acquired by purchase or otherwise from the Crown or other titular.

(3) Bishop's teinds—*i.e.* teinds which have belonged to bishops at the date of the decreet arbitral in 1629.

(4) Teinds belonging to colleges.

(5) Teinds appropriated to pious uses, including teinds granted to the deans of the Chapel Royal.

Had the valuations been as recent as the commutation of tithes in England,[1] the amount of teinds must, as already pointed out, have been much larger, and there would have been fewer intricate questions requiring the attention of the courts of law. The landowners may be said, in some instances, to have paid in the costs of lawsuits what they would otherwise have paid in teinds.

The tenants in Scotland have, however, long enjoyed an immunity from teinding which has not been shared by the occupiers of the soil in England, who only received relief under the series of Acts of Parliament commencing in 1836. The rule has prevailed in England of requiring the tenant, as part of his rent, to pay the tithe rent-charge, while, with a very few exceptions, the tenants in Scotland have had no concern with the equivalent payment of stipend. This has been made a grievance in England, which can have no other foundation than that thereby the rent may be too high, a matter which should be considered by the tenant in offering for his farm. There seems to be a probability that new arrangements will be made

[1] A parliamentary return showing the effect of the commutation of tithes in England, ordered by the House of Lords to be printed, 8th August, 1887, shows a striking contrast with the state of teinds in Scotland. The tithes are commuted into a rent-charge, and payable yearly according to the value of grain based on the corn returns. It has to be kept in view, however, that English tithes have been commuted under measures commencing so recently as 1836. We have only space for the "recapitulation" (leaving out shillings and pence).

RECAPITULATION.

Total rent-charges payable to clerical appropriators and their lessees, .	£680,039
" " " " additional,	1,655
" " parochial incumbents, ...	2,412,103
" " " additional, . . .	2,936
" " lay impropriators, ...	766,205
" " " additional, ...	128
" " schools, colleges, &c., ...	196,056
Amount of yearly rent-charge, ...	£4,059,126

by which the landowner in England will pay the tithe rent-charge as the landowner in Scotland pays the stipend.

Stipends were for a long period subsequent to the Reformation paid in kind so far as they were fixed in grain or victual. Thus the quantity fixed was delivered instead of its being converted into money, according to the present practice. The present rule was laid down by the Act of 1808, already referred to, which provides that although the stipend should be fixed in grain or victual it was to be converted into and paid in money according to the highest fiars prices of the county. These prices are struck in each county before the sheriff and a jury. With the exception of Orkney, where they are struck in May, fiars prices are struck in February or March each year for the crop and year preceding, and they are duly reported to the Teind Office. The prices thus fixed are sometimes struck from very slender materials. The modes also in which they are struck—for there is no uniform rule—have proved most unsatisfactory, and have given rise to many well-founded complaints. The English system of corn averages, which regulates the payment of the commuted tithes, has also, it is true, been made the subject of complaint, and some people referred to the Scottish system, of a proof before the sheriff, as more just. In England it was alleged that insufficient returns were made, that prices sent in were chiefly those of the higher quality of grain, and that therefore an excessive burden was imposed on the farmer who paid the tithe. A select committee of the House of Commons, which reported on the English corn averages on 11th December, 1888, were of opinion, however, that the present system of corn averages should be maintained, and that the provisions of the Act of 1882, regulating the matter, should be more vigilantly enforced. The teind clerk, who was examined before the committee as a witness in regard to the Scottish system, indicated that fiars prices were unsatisfactory; that in his view victual stipend in Scotland should be paid according to an average of the past twenty-one years' prices; and that the present system of striking fiars prices should be discontinued. He suggested, however, that corn averages should be obtained in Scotland on the principle of the English system, which would be useful for

statistical purposes, and might also be made the bases of farm rents.

Church lands have not been restored for the purposes of the Church to the same extent as the teinds have been made available under proceedings for augmenting stipends. Only small portions of the church lands have been recovered as glebes[1] for the parish ministers. In a few instances the glebes are of considerable extent, and it is supposed these have been enlarged by grants from relatives of the incumbents or others interested[2]—not necessarily from church lands—to increase the emoluments of the benefice. The remainder of the church lands are embraced in titles of landowners, and are now deemed past recovery.

Those town parishes which are of earlier date were provided with stipends under special arrangements with the Crown; and those of more recent date were only erected in respect of obligations to provide stipends out of the municipal or local revenues. As an example, the case of Greenock East Church may be cited. Here, on 8th March, 1809, the Court of Teinds granted decree of disjunction, erection, and annexation, *quoad sacra*, "on the magistrates and council of Greenock engaging to be answerable for a stipend of £200 sterling per annum, besides communion elements, and appoint them to lodge in process a minute of council binding themselves in the above terms." The minute required was duly lodged. Considerable power was left in the hands of the municipal authorities in adjusting the boundaries of such parishes.

The annuity tax was a substitute for the original provision for city ministers in Edinburgh, the Canongate, and the second charge of Montrose. The tax has been commuted, and certain of the town stipends are now paid from the interest on the capital sums held by commissioners, and from seat rents and other revenues, in terms of Acts of Parliament passed in 1860 and 1870.

Church extension has also brought into existence a large amount of property in churches and manses and the endow-

[1] Under the Acts of Parliament 1563, cap. 72; 1572, cap. 48, and later Acts. See Duncan's "Parochial Law."

[2] The feuing of glebes under the Glebe Lands (Scotland) Act, 1866, has greatly increased the revenues of several benefices.

ments for parishes *quoad sacra*. The acquisition of property had begun previously, but the Act of 1844[1] enabled the Court of Teinds to erect such churches, with districts annexed, into parishes *quoad sacra*. The minimum stipend to be provided is £100 with a manse, and £120 without a manse. Up to the present time (June, 1891) 402 such parishes have been erected. They embrace four Gaelic churches, situated in towns, which require no district attached, and forty-one parliamentary churches, which have been, with districts attached, erected into forty parishes (two of the churches are in one parish). The endowments of these parliamentary churches alone were provided by Parliament out of the national revenues (which include surplus teinds and bishops' rents) collected in Scotland. All the other endowments have been provided from private sources, and to a very large extent through the endowment committee of the Church of Scotland. These represent a very large capital sum.

The teinds were at one time allowed to be diverted to other parishes than those from which they were derived, where the titular (being the party in right of the teinds) consented or did not object—it being a matter of no moment to the parties from whom they were exigible to whom they rendered them. The rule *decimæ debentur parocho—i.e.*, teinds are due or belong to the parish—has, however, for a long period been strictly applied, and by several decisions the minister of the parish has been found entitled to reclaim teinds formerly allocated to another parish when that parish has free teinds of its own. Rights to teinds have also been acquired by landowners on the distinct condition that they were only liable—in addition to old stipend—to augment the stipend of the parish. As Sir George Mackenzie has pointed out, if teinds could have been granted freely to another parish "it will prove there can be no free teind as long as there is any minister in Scotland unprovided competently."[2] The contrary is, however, the fact, there being many parishes insufficiently provided, while in others there are plenty of free teinds which cannot be touched for any other purpose than augmenting the stipend of the parish from which they are exigible.

[1] 7 & 8 Victoria, cap. 44.

[2] Mackenzie's "Observations," 380.

In conclusion, we have to point out that all the endowments vested in the Church of Scotland are strictly parochial, and belong to the parish in the enjoyment of them. The teinds are derived from the lands in the parish, while the church property and other endowments have been provided by heritors and others interested in the parish. The parishioners have thus a vested interest in maintaining the integrity of their parochial endowments of every description. Some useful reforms have yet to be effected to remove grievances in regard to teinds, and the incidence of costs of maintaining ecclesiastical fabrics; but beyond dealing with these no hand should be allowed to touch the endowments to which we have referred, which are essential to the promotion of religion in every parish in Scotland.

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